

**DOCKET
OF A MEETING OF
THE LAKEWOOD CITY COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS
LAKEWOOD CITY HALL - 12650 DETROIT AVENUE
NOVEMBER 3, 2014
7:30 P.M.**

The Regular Meetings of Lakewood City Council shall be held on the first and third Mondays of each month at 7:30 P.M., except that when such meeting date falls on a holiday such meeting shall instead be held on the following day. A Docket and Agenda of the business proposed to be transacted by Council will be available in the Clerk's Office and both branches of the Lakewood Public Library after noon on Friday before a Council meeting.

Section 121.08 of the Codified Ordinances of the City of Lakewood establishes rules for the public to follow when speaking before Council:

ADDRESSING COUNCIL – The President may recognize any non-member for addressing Council on any question then pending. In such cases, the person recognized shall address the chair, state his or her name and address and the subject matter he or she desires to discuss. Speakers must be courteous in their language and avoid personalities. When addressed by the Chair, the speaker must yield the floor and comply with all rulings of the chair, said rulings not being open to debate. Except with permission of Council specifically given, speakers shall be limited to five minutes. No person who has had the floor shall again be recognized until all others desiring an opportunity to speak have been given an opportunity to do so.

AGENDA ITEMS PROTOCOL:

The Clerk at the beginning of the meeting will present the AGENDA ITEMS sign-in sheet to the President of Council. Speakers will be called to address Council by the Chair. A citizen must first write his or her name, address and agenda item number on the designated sign-in sheet in order to be recognized.

PUBLIC COMMENT PROTOCOL:

The clerk at the end of the meeting will present the PUBLIC COMMENT sign-in sheet to the President of Council. Public Comment will be welcomed at the end of a Council Meeting on miscellaneous issues or issues other than agenda items. A citizen must first write his or her name, address and topic on the designated sign-in sheet in order to be recognized. The forum is not designed to be a question and answer session.

- I. Pledge of Allegiance
 - II. Moment of Silence
 - III. Roll Call
- Reading & disposal of the Minutes of the Regular Meeting of Council held October 20, 2014.
- Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

****OLD BUSINESS****

1. Committee of the Whole Report regarding Committee of the Whole of 11/3/14. (To Be Provided – Madigan; Chair)
2. Housing Committee Report regarding Hen Keeping Pilot Resolution. Anderson; Chair (Pg.5)
3. **RESOLUTION NO. 8755-14** – A RESOLUTION establishing a pilot program to permit the keeping of hens in the city of Lakewood under certain conditions. (**PLEASE SUBSTITUTE** for Resolution No. 8755-14 referred to the Housing Committee 7/21/14) (Pg.8)
4. Rules & Ordinances Committee Report regarding Ordinance No. 34-14. O’Leary; Chair (To Be Provided)
5. **ORDINANCE NO. 34-14** – AN ORDINANCE repealing Chapter 737, Pawnbrokers, and replacing it with Chapter 737, Secondhand Dealers, of the Codified Ordinances of the City of Lakewood, in order to discard outmoded provisions and institute timely regulations within the Code. (PLACED ON 1ST READING & REFERRED TO THE RULES & ORDINANCES COMMITTEE 10/6/14, 2ND READING 10/20/14) (Pg. 11)
6. Public Safety Committee Report regarding Public Safety Committee meeting of October 20, 2014. (Pg. 17)
7. **ORDINANCE NO. 36-14** – AN ORDINANCE to repeal the existing Chapter 1143, Off-Street Parking, of the Zoning Code of the City of Lakewood and to enact a new Chapter 1143, Parking. (PLACED ON 1ST READING & REFERRED TO THE COMMITTEE OF THE WHOLE 10/20/14) (Pg. 18)

****NEW BUSINESS****

8. Communication from Council President Madigan regarding Council Appointments. (Pg. 41)
9. **RESOLUTION NO. 8771-14** A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Planning Commission for the six-year term beginning January 1, 2015 and ending December 31, 2020. (Pg. 42)
10. **RESOLUTION NO. 8772-14** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Board of Building Standards and Building Appeals and the Architectural Board of Review for the five-year term beginning January 1, 2015 and ending December 31, 2019. (Pg. 43)

11. **RESOLUTION NO. 8773-14** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Board of Zoning Appeals for the five-year term beginning January 1, 2015 and ending December 31, 2019. (Pg. 44)
12. **RESOLUTION NO. 8774-14** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Community Reinvestment Area Housing Council for a three-year term beginning January 1, 2015 and ending December 31, 2017. (Pg. 45)
13. **RESOLUTION NO. 8775-14** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Community Reinvestment Area Housing Council for a three-year term beginning January 1, 2015 and ending December 31, 2017. (Pg. 46)
14. **RESOLUTION NO. 8776-14** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Board of Nuisance Abatement Appeals for the three-year term beginning January 1, 2015 and ending December 31, 2017. (Pg. 47)
15. **RESOLUTION NO. 8777-14** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ as a community organization trustee to the Lakewood Hospital Association Governing Board, for the term beginning January 1, 2015 and ending December 31, 2019. (Pg. 48)
16. **RESOLUTION NO. 8778-14** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Lakewood Heritage Advisory Board for a four-year term beginning January 1, 2015 and ending December 31, 2018. (Pg. 49)
17. **RESOLUTION NO. 8779-14** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Lakewood Heritage Advisory Board for a four-year term beginning January 1, 2015 and ending December 31, 2018. (Pg. 50)
18. Communication from Councilmember Bullock regarding 1) Crimes Tip Rewards Program and 2) Adjust Dangerous Dog Registration Fee. (Pg. 51)

19. **RESOLUTION NO. 8780-14** – AN EMERGENCY RESOLUTION authorizing Director of Public Safety to establish a one year graffiti prevention pilot program with expenditures not to exceed \$5,000 for the purpose of acquiring information to aid law enforcement activities related to graffiti-related offenses. (Pg. 52)
20. **ORDINANCE NO. 37-14** – AN ORDINANCE amending Section 506.04 of the Codified Ordinances, Exception, Registration and Fee, for the purpose of eliminating the fees associated with the annual renewal of registrations of dangerous animals. (Pg. 54)
21. Communication from Finance Director Pae regarding Amended Purchasing and Contracting Ordinance FY2014. (Pg. 58)
22. **ORDINANCE NO. 1-14D** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Ordinance 1-14C, adopted October 6, 2014, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2014 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders otherwise provided by law. (Pg. 59)
23. Communication from Fire Chief Gilman regarding City of Lakewood's participation in tactical medical control agreement between the MetroHealth System and the Westshore Council of Governments (to be provided).
24. **RESOLUTION NO. 8781-14** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the City of Lakewood's participation under an agreement between the Westshore Council of Governments, and the Metrohealth System for the provision of professional tactical medical control services. (Pg.65)



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Lakewood City Council
MARY LOUISE MADIGAN, PRESIDENT
RYAN P. NOWLIN, VICE PRESIDENT

Council at Large
RYAN P. NOWLIN
THOMAS R. BULLOCK III
CINDY MARX

Ward Council
DAVID W. ANDERSON, WARD 1
SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN

October 29, 2014

Lakewood City Council
Lakewood, Ohio 44107

Dear Colleagues:

The Housing Committee met on four occasions to discuss the proposed Hen Keeping Pilot Resolution. All three members of the Committee were present for each hearing and I recall that all members of Council were present for most as well. In addition, dozens of residents were able to express their thoughts on the matter either by way of spoken comment or in written form which has been made part of the official record of these proceedings.

As the Committee chair, I believe the participation of each and every Council member was key to forming, what I feel, is a balanced and merit based approach to determining, once and for all, whether or not backyard hen raising is appropriate for Lakewood.

Details regarding the various amendments made, discussions and debates are included in the completed minutes of each hearing. That stated, the amended resolution before us stands on its own and has been recommended for approval by unanimous vote. However, should Council adopt the Resolution, this Committee report is intended as an accompaniment to reinforce key points including (1) the selection of the up to 12 pilot program participants, (2) a need to be sensitive to neighbors regarding the placement of hen coops in a particular back yards and (3) criteria for evaluation. In my experience on Council, it is not normal practice for such prescriptions to accompany legislation but I am confident that the administration will accept and utilize these directions, for lack of a better term, in good faith and in the manner in which intended.

Criteria for Participant Selection

- A. In addition to meeting criteria set forth in the Resolution, applications for participation must have the endorsement of Hens in Lakewood.
- B. Approved applicants should be located in a variety of Lakewood

neighborhoods to promote geographic and lot size diversity.

- C. Regarding the renderings that must be provided concerning of the positioning of the coop as part of the application, the Public Safety Director should be overly sensitive to the potential impact on neighboring properties (e.g. location being closer to a neighbor's primary structure than their own) and should not approve applications if concerns about positioning and neighborliness remain.
- D. Applicant home owners should be current on all taxes and any fines due the city and county.
- E. The home of any applicant must qualify as a Level-2 or above using Housing and Building Department standards.

Criteria for Evaluation

- A. Impact on each neighborhood and city services, including Cuyahoga County Board of Health, Division of Building and Housing, Animal Control Office, Division of Police.
 - 1. Inspections at beginning and end of pilot period show compliance with agreed-upon plan.
 - 2. Timely compliance by hen-owners with any corrective action ordered by Animal Control Officers.
 - 3. Number of hours devoted to compliance and volume of (legitimate) complaints should be average or below-average.
 - 4. Successful integration in neighborhood through prevention or resolution of odor, excessive noise, appearance and cleanliness problems, and at-large birds.
 - 5. Relationship and communication with neighbors.
 - 6. Neighborly responsiveness by owners to (reasonable) neighbor requests.
 - 7. Number of permit holders whose permit was revoked.
 - 8. Effectiveness of properly caring for hens that have been abandoned for an unforeseen reason.
- B. Overall health and welfare of the hens.
 - 1. Reporting of any occurrences of animal abuse or neglect.
 - 2. Adequate veterinary capacity available to provide health care to the birds.
 - 3. Adequate and secure coop/run.
 - 4. Sufficient square-footage devoted per bird (as specified in agreed-upon plan).
 - 5. Use of hardware cloth for the screened elements of the structure and the run (chicken wire is prohibited); buried below ground to protect from burrowers.
 - 6. Locks to protect hens against animal and human predation.
 - 7. Cleanliness and security of the coop/run.

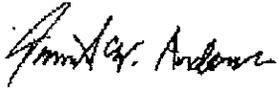
8. Healthy diet, medicine, and conditions to prevent pest attraction, including preventative measures as defined in the OSU training.
9. Conscientious upkeep of the structure and run.
10. Sealed feed containers.

Report Out of Participants and Community Group Inspection

- A. Applicant must provide a written report at the conclusion of the pilot that evaluates the experience, identifies successes and challenges and recommends improvements.
- B. New hen-owners would be required to meet the standards and requirements of the pilot group including initial inspection and visits by the volunteer advisory board (Hens in Lakewood) during the pilot phase.

Finally, again, if approved, the Committee thoroughly discussed and agreed that the important components of evaluation and the required legislative action to either cancel or continue the concept must be completed within the 18 month pilot program.

Yours in service,



David W. Anderson
Member of Council, Ward 1

RESOLUTION NO. 8755-14

BY:

A RESOLUTION establishing a pilot program to permit the keeping of hens in the City of Lakewood under certain conditions.

WHEREAS, it is necessary and desirable to establish a pilot program in order to study the keeping of hens in the City of Lakewood under certain conditions, with the expectation that appropriate regulations be at some point permanently codified; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government, and the power to enact laws that are for the health, safety, welfare; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Notwithstanding any ordinance or municipal regulation to the contrary, the City hereby establishes a pilot project for the keeping of female chickens ("hens," for the purposes of this legislation), under the following conditions:

A. Zoning Districts. Hens may be kept only in an R1 Residential Single-Family or R2 Residential Single- and Two-Family District.

B. Application and Permit. Before the keeping of hens may occur, a permit shall have first been obtained by the Director of Public Safety. The permit application must be accompanied by a \$25.00 fee paid to the City and include the following information: the name, phone number, home address and email address of the applicant; the size and location of the subject property; a proposal containing the number of hens the applicant seeks to keep on the property; a description of any coop or outdoor enclosure providing precise dimensions and the precise location of these enclosures in relation to property lines and adjacent properties, with specifications and drawings if available; a certificate or letter showing that the applicant has taken a class in keeping backyard hens from the Ohio State University Extension or other source approved by the Director of Public Safety; the permission of the property owner for the applicant to keep hens, if the applicant is not the owner; and the applicant's permission for any city official to enter the lot to determine whether the permit should be granted and the use maintained.

C. Inspection. Within 60 days of the Director of Public Safety or his or her designee receiving the initial application, he or she shall cause the lot to be inspected. The person(s) inspecting the premises shall determine if the lot dimensions in the application are accurate; determine the feasibility of the applicant meeting the remaining criteria in this resolution; note whether any extraordinary circumstances exist, such as outstanding property citations or unsanitary property conditions, that would militate against the granting of the application; and within 30 days of the inspection determine whether the permit should be issued.

D. Personal Use; Limitations. Hens may be kept only for personal use by persons residing in the principal structure on the lot on which the hens are kept. No hens may be kept on a lot

containing more than three dwelling units. Residents of no more than one dwelling unit within a structure may keep hens on that lot. No more than six hens shall be allowed on any lot.

E. Setbacks. Coops or accessory structures housing hens shall be kept at least three feet from the side and rear property lines. All such structures shall be located no less than 20 feet behind the rearmost wall of the principal structure on the lot.

F. Enclosure. The base surface of a coop and run must not exceed 80 square feet and six feet in height. Hens shall not be allowed out of these enclosures unless the rear yard of the property is fenced along the rear and side lot lines, and a resident of the property on which the hens are kept is directly monitoring them such that the resident is able to immediately return the hens to the cage or coop if necessary. The manufacturer's specifications for the coop, or otherwise adequate drawings including dimensions, shall be submitted for approval together with the application for the permit. Hens shall be kept in a covered, predator-proof coop that is well-ventilated and designed to be accessed for cleaning. The enclosure shall be of uniform and sturdy design and constructed of quality materials. Fencing, if used, shall be securely fastened to posts of reasonable strength firmly set into the ground and shall be stretched tightly between support posts. The enclosure shall be maintained in good repair at all times so as to protect the aesthetics of the neighborhood and to not present a blighted or untidy appearance to the property or to neighbors. Hens shall have access to an outdoor enclosure or run that is adequately fenced to contain the hens on the property, to prevent them from running at large, and to prevent access by predators. The combined area of the coop and run shall allow at least three square feet per hen, and shall otherwise be constructed to provide humane conditions and to ensure the health and well-being of the animals occupying it are not endangered by the manner of keeping or confinement.

G. Sanitation; Slaughtering. The coop and outdoor enclosure must be kept clean, dry and sanitary; free from debris and offensive odors; and devoid of rodents and vermin. It shall be so located that adequate drainage is obtained, normal drying occurs and standing water is not present. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. All feed must be stored in a rodent-proof container. No hens shall be slaughtered except in accordance with, and only if permitted by, Chapter 918 of the Revised Code.

H. Number and Transferability. No more than 12 non-transferable permits shall be issued pursuant to this resolution.

I. Permit Revocation. The Director of Public Safety may revoke a permit at any time if the permit holder materially fails to adhere to the provisions of this pilot program.

Section 2. The pilot program established in this resolution shall cease 18 months after the effective date of this resolution.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

President

Clerk

Approved: _____

Mayor

PLACED ON 1ST READING & REFERRED TO THE
RULES & ORDINANCES COMMITTEE 10/6/14.
PLACED ON 2ND READING 10/20/14.

ORDINANCE NO. 34-14

BY:

AN ORDINANCE repealing Chapter 737, Pawnbrokers, and replacing it with Chapter 737, Secondhand Dealers, of the Codified Ordinances of the City of Lakewood, in order to discard outmoded provisions and institute timely regulations within the Code.

WHEREAS, Chapter 737 of the Code, which governs pawnbrokers and dates in part to 1961, no longer applies to any businesses operating in the City; and

WHEREAS, Chapter 737 does not regulate secondhand dealers; and

WHEREAS, it is important that during police investigations the secondhand dealers comply with the Ohio Revised Code Section 4737.01, as well as the local regulations, by maintaining records necessary to identify the seller of any stolen items; and

WHEREAS, Council finds that secondhand dealers may provide a means of disposing of stolen goods; that investigation by police agencies reveals that new, used and stolen property are acquired and sold by secondhand businesses; and because secondhand businesses can be ready vehicles for the disposal of stolen goods, such businesses should be subject to controls used to decrease the potential trafficking in such items; and

WHEREAS, the City's regulations must be amended to reflect the present-day needs for proper administration; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. New Chapter 737, Secondhand Dealers, of the Lakewood Codified Ordinances, shall be and hereby is enacted to read as follows:

CHAPTER 737
Secondhand Dealers

737.01 DEFINITIONS; SCOPE OF PROVISIONS.

(a) As used in this chapter:

- (1) "Director" means the Director of Public Safety or his or her designee.
- (2) "Secondhand" means that which has been used or which has been previously traded or sold by a retailer.
- (3) "Selling" includes sale on consignment, delivery, barter, exchange, gift or offer thereof.
- (4) "Secondhand dealer" means any person, firm, or corporation dealing in the purchase and sale of any of the following articles:
 - A. Secondhand furs;
 - B. Secondhand office machinery and equipment, including, without limitation, computer equipment, typewriters, adding machines, calculators, copy machines, printers, fax machines, telephones, check signing equipment, and address machines;
 - C. Secondhand tools of artisans, mechanics, or laborers;
 - D. Secondhand musical instruments;
 - E. Secondhand precious stones or manufactured articles composed wholly or in substantial part of gold, silver, platinum, or other precious metal;
 - F. Secondhand lawn, garden and construction equipment;
 - G. Secondhand computers, electronic, audio, visual or entertainment equipment or devices including, without limitation, laptops, docking stations, televisions, video monitors, digital video disc (DVD) players, record players, tape players, recording devices, other stereo equipment; five or more DVDs, compact discs (CDs) or records from any one source within a seven-day time period; cameras, camcorders, webcams, video game systems, consoles or accessories, video game discs and cartridges; cell phones and cell phone accessories, satellite phones, smartphones, digital music and audio players, tablets or similar devices, radio receivers or transmitters, pagers, chargers, global positioning units or systems, radar detectors, electronic organizers, Bluetooth and personal area network devices; DVD or CD burners; and other similar electronic devices;
 - H. Secondhand plumbing fixtures, builders' hardware or lighting fixtures;
 - I. Pawnbrokers' tickets or other evidence of pledged articles; or

- J. Used or secondhand motor vehicle or vehicle parts or accessories not received by the buyer for credit upon the purchase of similar new merchandise.
- (b) A person, firm, or corporation meeting one or more of the following shall not be considered a secondhand dealer under the terms of this chapter:
 - (1) A not-for-profit entity recognized as tax exempt by the Internal Revenue Service and registered with the Ohio Secretary of State as a not-for-profit entity; or
 - (2) A person conducting a garage or yard sale; or
 - (3) A retail business whose inventory consists primarily 95 percent or more of items which are at least 30 years old and which are considered antiques or collectibles; and
 - (4) A retail business which would be classified as a secondhand dealer only by virtue of selling secondhand computers, electronic, audio, visual or entertainment equipment or devices as specified in subsection (a)(4)G, above, when the proprietor is able to establish that all of the computers, electronic, audio, visual or entertainment equipment sold are at least 12 years old.

737.02 SECONDHAND DEALER'S LICENSE REQUIRED; FEE.

No person, partnership, corporation, or other entity shall operate as a secondhand dealer without first obtaining a license from the Director. The annual nonrefundable license fee for each secondhand dealer shall be established by Council. Additionally, the applicant shall pay all costs of criminal background checks for the applicant and each employee. All licenses shall expire on December 31 of the year of issuance.

737.03 INSPECTIONS AND TESTS OF WEIGHTS AND MEASURES.

Every license applicant must obtain an inspection and test from the appropriate county fiscal officer or auditor of any and all scales, balances or other instruments and devices for weighing and measuring secondhand articles, and any appliances and accessories associated with any or all such instruments and devices used at the location indicated on the application. The applicant shall provide proof of the inspection and test satisfactory to the Director.

737.04 RECORDS, TAGGING, AND RECORDS INSPECTIONS.

- (a) Every dealer in secondhand articles shall maintain a book, catalog or electronic record in which shall be legibly written or typewritten, in the English language, at the time of every purchase or sale, a description of every article so purchased or sold that includes the number or numbers and any monograms, inscriptions or other marks of identification that may appear on the article; a description of the articles or pieces comprising gold, silver, platinum, or other

metals, and any monogram, inscription, or marks of identification thereon or a photograph thereof; the name, residence, and general description of the person from whom such purchase was made or to whom sold or a photocopy of photo identification such as a driver's license or state-issued identification; and the day and hour of the purchase or sale. The holder of a federal license to smelt precious metals shall not be held by reason thereof to be exempt from the provisions of this chapter.

- (b) Every licensee under the provisions of this chapter, at the time of acquiring through purchase or exchange of any secondhand article, shall attach a tag with a designating number thereon, legibly printed in ink or typewritten, in Arabic numerals or in the English language, to each article, and shall make an entry of such number in the book, catalog or electronic record.
- (c) Such book, catalog or electronic record shall at all reasonable times be open to the inspection of any law enforcement officer during regular business hours. Such book, catalog or electronic record shall be maintained in a manner as directed or authorized by the Director.
- (d) In addition to such book, catalog or electronic record, every seller at the time of such purchase shall fill out, on a blank form approved by the Director, information including the seller's driver's license number and state of issuance, or the identifying number on a state identification card or other picture identification; and on the back of the form, the seller, in his or her own handwriting, shall write his or her name, age and address.
- (e) No entries in such book, catalog, electronic record or form shall be erased, obliterated altered or defaced.

737.05 DIRECTOR MAY REQUIRE WEEKLY REPORTS.

The Director may require that every licensed secondhand dealer shall make out a weekly report on a printed or electronic form to be furnished by the City's division of police, containing the details of all purchases of secondhand articles made during the preceding business week. The licensee shall deliver such report to the Director, together with any other information kept pursuant to this chapter and required by the Director. The Director may designate that the reports be mailed or delivered electronically.

737.06 MINIMUM HOLDING PERIOD.

- (a) No person licensed as or operating under the license of a secondhand dealer shall sell or offer to sell or remove, disassemble, clean, repair, paint, take apart or change the appearance or form of any secondhand good, article, or thing which has been purchased by the licensee for a period of at least 14 days from the day of acquisition.
- (b) Any of the goods, articles, or things regulated under this chapter, in the possession of any licensee, shall be made available at any time

for the inspection by the Director or any member of the City's division of police.

737.07 HOLD ORDER BY DIRECTOR.

The Director may place a hold order for a period of 30 days upon any property acquired by the secondhand dealer in the course of his business and upon release of such property the Director may require the secondhand dealer to keep a true record of such property and include therewith the true name and address of the person to whom such property was sold, or a record of any other method of disposition. The secondhand dealer shall keep for two years any record required under this section.

737.08 PURCHASES FROM MINORS AND INTOXICATED PERSONS; HOURS OF OPERATION.

No person shall receive, by sale, barter, exchange or otherwise, any article mentioned in this chapter from a person under the age of 18 years or a person who to an ordinary observer appears to be intoxicated. There shall not be any purchase from any person or persons between the hours of 10:00 p.m. and 8:00 a.m. on any day of the week.

737.09 ADVERTISEMENT.

No business licensed under the provisions of this chapter shall be advertised through the use of any medium, without including within the advertisement the license number from the license received from the Director.

737.10 RESPONSIBILITY OF THE LICENSEE.

Every act or omission on an agent or employee which constitutes a violation of any provision of this chapter shall be deemed the act or omission of the licensee if such act or omission occurs with the authorization, knowledge or approval of the licensee, or as a result of the licensee's negligent failure to supervise the agent's or employee's conduct. The licensee shall also be punished for such act or omission in the same manner as if the licensee committed the act or caused the omission.

737.11 LICENSE REVOCATION; APPEALS.

- (a) The Director may at any time revoke or suspend any license granted under the authority of this chapter for failure to comply with the terms of this chapter or any law or ordinance applicable to the business so licensed.
- (b) The Director shall revoke any license granted under the authority of this chapter if the licensee has been convicted of receiving stolen property.
- (c) In case of the refusal to issue or renew a license by the Director or the revocation or suspension of a license by the Director, the applicant or licensee may appeal to a review board consisting of the president of Council, the chairperson of the Public Safety Committee of Council or its longest-serving member if the chairperson is

the president of Council, and the Director of Law. Notice of appeal shall be in writing, with the reasons for the appeal specified therein, and shall be filed with the Director within 10 days from the date of the Director's action. Within 10 days after the filing of such notice, the board shall proceed to hear such appeal, at which hearing all parties interested shall be afforded an opportunity to be heard. The board shall render a decision within 10 days of the conclusion of the hearing. The board may sustain, reverse, or modify the action of the Director.

- (d) In the absence of conditions posing an imminent threat to health, safety or property, as determined by the Director of Law, or unless a license has been revoked by the Director because the licensee has been convicted of receiving stolen property as provided in subsection (b) of this section, a licensee who is lawfully operating but whose license is subject to revocation or suspension, or whose license the Director has refused to renew, may continue operating during the pendency of an appeal under this section.

737.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor of the fourth degree. Each day during which noncompliance or a violation continues shall constitute a separate offense.

Section 2. Existing Chapter 737, Pawnbrokers, of the Lakewood Codified Ordinances, shall be and hereby is repealed.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR



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DAVID W. ANDERSON, WARD 1
SAM O'LEARY, WARD 2
SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN, WARD 4

November 3, 2014

Lakewood City Council
Lakewood, OH 44107

Re: Public Safety Committee Report

Dear Members of Council,

The Public Safety Committee met on October 20th 2014 to discuss the criminal nuisance process as outlined in Section 510 of the Lakewood Codified Ordinances. All members of Council were present as were Police Chief Malley, Fire Chief Gilman, Information Systems Manager Coletta, Law Director Butler, as well as the City's Prosecutor and Assistant Prosecutor.

Since its inception in 2008, the criminal nuisance ordinance has been one of the City's best tools for managing problem properties. Councilmembers and members of the Administration reflected on benchmarks of the program's success, which include a low level of recidivism, a high degree of responsiveness, and a low rate of nuisance declaration appeals. Nevertheless, from time to time, Councilmembers encounter neighborhood issues that are not detected through the nuisance process. The Public Safety Committee posed the question of whether most of our chronic nuisance pattern detection is retrospective, occurring after a particularly acute violation has alerted the City or neighbors, and whether a computer-assisted records check could alert the City prospectively to chronic nuisance patterns.

Currently, the Lakewood Police Department bears the largest responsibility for detecting patterns of criminal activity at a property by reviewing the daily activity police logs. All parties agreed that an automated report would assist with this process. Mr. Coletta indicated that it is possible to create such a report after parameters are defined. A report would be limited in its ability to account for every idiosyncrasy of the nuisance process and would still require personal review by officers.

Historically, high grass and/or trash violations (violations enforced by the Building Department) have contributed toward a nuisance declaration in approximately 10% of cases. The Public Safety Committee anticipates that a greater number of these cases would be discovered if the City were better able to cross-reference Police actions with Building Department citations. The Committee discussed how departments may formalize information sharing in order to efficiently capture all impending nuisance cases.

The Committee will reconvene at a future date to follow up on these matters.

Sincerely,

Thomas R. Bullock III

Thomas R. Bullock III
Member of Council, at Large

ORDINANCE NO. 36-14

BY:

AN ORDINANCE to repeal the existing Chapter 1143, Off-Street Parking, of the Zoning Code of the City of Lakewood and to enact a new Chapter 1143, Parking.

WHEREAS, revisions are necessary to the parking code of the city of Lakewood to bring the parking code into alignment with the transportation goals and objectives outlined in the Community Vision; and

WHEREAS, the proposed parking code is more user friendly for our residents, more responsive to the needs of Lakewood's smaller local businesses and will more clearly manage the parking expectations for larger redevelopments; and

WHEREAS, at its October 2nd meeting the Planning Commission voted unanimously to recommend Council approve changes outlined in this ordinance; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws, now therefore,

BE IT ORDAINED IN THE CITY OF LAKEWOOD, OHIO:

Section 1. That Chapter 1143, Off-Street Parking of the Zoning Code of the City of Lakewood, currently reading as follows:

1143.01 PURPOSE.

Off-street parking regulations are established in order to protect residential neighborhoods from on-street parking; to promote the general convenience, welfare and prosperity of commercial development; and to relieve congestion so the streets can be utilized more fully for movement of vehicular traffic.

1143.02 GENERAL PROVISIONS.

(a) For every building hereafter erected or expanded, or where the use is changed or enlarged, there shall be provided off-street parking and loading areas as set forth in this Chapter.

(b) No permits shall be issued for any building, improvement or use of land, including, but not limited to, building permits and certificates of occupancy, until a plot plan is submitted to the Commissioner showing such off-street parking and loading spaces as is hereunder required. Such plan shall be prepared at a reasonable scale, showing property lines, the dimensions of the property, the size and arrangement of all parking and loading spaces, the means of ingress and egress to such parking and loading spaces from the street and interior circulation within the property, the extent of any change required in existing site conditions

to provide required parking and loading spaces and such other conditions as may be necessary to permit review and approval of the proposed parking and loading spaces.

(c) Off-street, on-site parking spaces for all uses as required by this Chapter shall be designed and maintained in accordance with applicable sections of these Ordinances so as to be safe, attractive and free of hazard, nuisance or other unsafe condition, and be used for exclusive use of the tenants, occupants and customers of the buildings or uses on said site.

(d) All parking spaces and off-street spaces shall be provided in accordance with this Chapter and shall be provided on the same lot as the principal use to which it is accessory.

(e) Unenclosed parking spaces shall not be used for repair of a motor vehicle.

(f) Parking for all motor vehicles shall be on an improved surface of concrete or asphalt or other materials approved by the Board of Building Standards.

1143.03 DETERMINATION OF REQUIRED OFF-STREET PARKING SPACES.

(a) Where floor area is designed as the standard for determining parking space requirements, floor area shall be computed on the gross floor area (GFA), in square feet, of all floors of the building, including the exterior walls.

(b) Where seating capacity is the standard, employees shall mean the regular working staff, (paid, volunteer or otherwise) at maximum strength/per shift and in full-time equivalent numbers necessary to operate, maintain or service any given facility or use under normal levels of service.

(c) The number of parking spaces required will be computed to the next largest number.

(d) In the case of mixed uses or more uses as listed in Section 1143.04, the total parking spaces shall be equal to the requirements of various uses computed separately.

(e) Cumulative parking requirements for mixed-use occupancies may be reduced upon review and approval by the Commissioner where it can be determined that the peak requirement of the several occupancies occurs at different times (either daily or seasonally).

1143.04 USE CATEGORIES.

For the purposes of calculating parking and loading requirements, uses are defined as follows:

(a) Cultural/Recreational and Entertainment:

(1) Public assembly; including art galleries, auditoriums, community and recreational centers, convention rooms, ballrooms, meeting rooms and exhibit halls, libraries, museums, movie and performing arts centers, stadiums and arenas, funeral homes, churches, synagogues and mosques, outdoor theaters/festival/drama, and mausoleums.

(2) Public recreation; including bowling alleys, gymnasiums, health clubs, roller and ice skating rinks, tennis, racquetball, swimming and other recreational facilities.

(3) Educational; including grade and secondary schools, colleges, special education facilities, trade schools, adult education facilities or testing/research facilities used for or in conjunction with educational purposes, and including dance and karate studios.

(b) Food and Beverage Services:

(1) Quality restaurant; including restaurants, lounges, and bars with or without dancing and entertainment facilities, which provide only seated table service.

(2) Family restaurant; without a bar or lounge area which provides food delivered to tables or dining counters, and only incidental carry out service.

(3) Fast food; which provides quickly or previously prepared food to a service counter; the patron carries the food out or to an indoor or outdoor seating area.

(4) Carry out; which provides quickly or previously prepared food to a service counter; the patron carries the food off premises for consumption.

(c) Governmental: including Federal, State, County, Township and Municipal buildings of all types and facilities used by public or quasi-public agencies that serve or assist the public or provide an accepted public purpose.

(d) Industrial: including manufacturing processing, assembly, and/or packaging plants of all types.

(e) Office and Business Services:

(1) General business offices; including, but not limited to, accounting, advertising, architectural/engineering/urban planning, bookkeeping, business and management consulting, charitable, consumer protection, corporate credit reporting, data processing, detective services, interior decorating (without furniture showrooms), legal offices, newspaper and newspaper distribution, philanthropic or professional membership business associations, publishing houses (without printing plants), public relations, religious services, research labs, stenographic services, syndicate offices, title abstracting, travel agencies and window cleaning services.

(2) Financial services offices; including, but not limited to, collection services, commodity or security broker/dealer, currency exchange, employment agencies, employment services, financial institutions including banks, savings and loans, credit unions, financial counseling, income tax preparation, insurance agencies and brokers/service offices, loan companies, labor unions, and real estate offices.

(f) Medical Offices:

(1) Including, but not limited to, dentists, physicians, chiropractors, psychiatrist/psychologist, nonresidential psychiatric, alcoholic and narcotic treatment centers, dental and medical laboratories, medical clinics and outpatient surgery/treatment centers, offices for the fitting and repair of hearing aids and prosthetic appliances, and massotherapy.

(g) Home Occupation Offices:

(1) Including such services, provided solely by the owner or tenant, as accounting, insurance, public relations, tax preparation, legal, stenographic, planning and design and similar activities.

(h) Residential Uses:

(1) Single-family structures; including detached houses and duplexes, townhouses, and clustered dwelling units that may be attached but have separate entrances and/or parking areas for each unit or common parking areas servicing two (2) or more units.

(2) Multi-family structures; including condominium and apartment buildings with common entranceways and/or parking areas for two (2) or more dwelling units.

(3) Senior housing; including any multi-family dwelling occupied ninety percent (90%) or more by persons sixty (60) years of age or older.

(4) Sleeping rooms; including boarding, lodging, bed and breakfast homes, rectories and convents, and rooms that are rented or used on an individual basis by non-family members.

(5) Commercial lodging; including hotels, motels, motor lodges and motor courts.

(6) Group/convalescent/nursing homes and assisted living; where unrelated persons reside under supervision for special care, treatment, training or other purposes on a temporary or permanent basis.

(7) Day-care centers; where unrelated persons are cared for during limited periods each day in a supervised facility.

(8) Hospitals; including teaching and specialized medical centers, sanitariums, and residential alcoholic, psychiatric and narcotic treatment facilities that provide for temporary or long-term resident patient care.

(i) Retail/Service Uses:

(1) General retail; including generally the sale of items such as antiques, art, art supplies, bicycles, books, camera and photographic supplies, china and glassware, clothing, coin merchandising, drapery/curtain/window coverings, dry goods, fabric and sewing accessories, floor coverings, furriers and fur apparel, gift/novelty/souvenirs, hobby, jewelry, linens/sheets/towels, leather/luggage/suitcases, musical instruments, optical shops, newspapers and magazines, retail florist (non greenhouse), paint and wall coverings, pet shops, records/audio/stereo/TV, school and office supplies, second hand and resale, shoes, small electrical appliances, specialty, stationary, tobacco, and toys.

(2) Convenience retail; including bakeries and confectioneries (non-manufacturing), butchers/ meat shops, dairy products, eggs and poultry, fish and seafood, fruit grocery/superstores/supermarkets/liquor, laundry/dry cleaning (pickup station only), pharmacy, drug, film/video rentals.

(3) Service retail; including drapery services, direct selling, appliance repair, tool and appliance rentals, mail order, merchandise vending, printing/copy, shoe repair, pawn shops, photographic studios, tailoring and dressmaking, upholstery.

(4) Hard goods retail; including automotive parts and supplies (without repair facilities), furniture, key and lock, hardware, wholesale florists, garden supply, greenhouse, nurseries, truck gardens and orchards, lumber and building

supplies, household appliances, lighting and electrical supplies, pool and patio furniture, and sales display and showrooms for any building product (including millwork, cabinets, plumbing, glass and mirror, fencing, swimming pools/spas/hot tubs, etc.).

(5) Shopping centers; with two (2) or more individual stores, provided in the same building or attached buildings, and gross leaseable area (GLA) totaling more than 10,000 square feet.

(6) Personal care services; including barber and beauty shops, cosmetology and cosmetic salons, diet counseling centers, electrolysis/hair removal salons, fingernail salons, tanning salons.

(7) Coin operated laundry and coin operated dry cleaning facilities; with or without attendant services and/or a pickup station for outside dry cleaning service.

(8) Other retail/service uses; including animal clinics/hospitals/veterinarian offices, kennels/pounds and grooming services.

(9) Motor vehicle sales and service; including automotive sales, gasoline and/or diesel fuel stations, automotive rental agency, marine craft sales and service, engine and motor repair shops, automotive glass/muffler/painting/tire/upholstery/repair shops, recreational and sports vehicle sales and service, or any combination thereof.

(10) Car wash/motor vehicle detailing facilities; including facilities for washing, waxing and cleaning of vehicles and vehicle components but expressly prohibiting facilities or equipment for the repair, overhaul or storage of motor vehicles or vehicle components.

(j) Storage/Wholesale/Utility:

(1) Including, but not limited to, mini warehouse with secured, individual storage units, which are leased for a fee to individual companies or persons.

(k) Wireless Telecommunication Facilities: pursuant to Section 1159.05(l).

(l) Sexually Oriented Businesses: pursuant to Section 1163.06.

(m) Mixed Use Overlay District: pursuant to Section 1135.03(b).

(n) Planned Development: pursuant to Section 1156.05(e).

(o) Drive-through facilities; including but not limited to, fast-food restaurants, financial institutions, car washes, photo uses, and drug stores.

1143.05 SCHEDULE OF USES AND SPACE REQUIREMENTS.

The required number of off-street parking, loading spaces and stacking spaces for a use category described in Section 1143.04 shall be as set forth in Schedule 1143.05 following this chapter.

The Commissioner is hereby authorized to determine the required off-street parking and loading requirements for uses not specifically listed in this Ordinance, based on the most similar use(s) that are listed. Such determination by the Commissioner shall be in writing and shall be appealable to the Board.

1143.06 OFF-STREET LOADING SPACES REQUIRED.

The location of off-street loading spaces shall be regulated according to the following:

(a) Streets, sidewalks, alleys or other public rights-of-way or other public property shall not be used for loading purposes nor shall vehicles be parked on such areas during loading and unloading.

(b) No part of any required yard, off-street parking area, or access drive thereto, shall be used for loading or unloading purposes.

1143.07 VARIANCE.

The Commissioner may grant a variance to the off-street parking requirements if it can be established that there is an equivalent number of unused parking spaces available in a parking lot or an acceptable alternative within 300 feet, utilizing sidewalks, from the use in question.

Wherever any required off-street parking is provided elsewhere than on the lot or parcel of land on which the principal use to be served is located, a written agreement thereby assuring the retention of such parking shall be properly drawn and executed by the parties concerned, approved as to form by the Law Department, and filed with the application for a variance under this Section.

1143.08 COMPLEMENTARY USES.

Up to ten percent (10%) of the floor area (calculated as required by the standard for the principal use) in the same building or attached buildings may be occupied by other complementary uses without providing parking spaces in addition to that imposed by the application of the ratio for the principal use.

Examples of complementary uses include a pharmacy in a hospital or medical office building, "food courts" or restaurant within a principal shopping center building, and retail or restaurant tenants in an office building so long as the total space occupied by complementary tenancies does not exceed ten percent (10%) of the appropriate GFA of any building or facility.

1143.09 UNLICENSED, IMMOBILIZED VEHICLES.

No person shall store or permit to be stored, for a period of more than three (3) consecutive days, any motor vehicles not having current year license plates and/or damaged or immobilized so as to render it incapable of being moved under its own power, upon any lot or land designated as within any district, unless the same shall be in a completely enclosed building or garage. "Motor Vehicle" shall have the same meaning as in O.R.C. 4501.01. This Section shall not apply to motor vehicle sales lots.

1143.10 APPLICABILITY.

The Commissioner shall enforce the provisions of Chapter 1143, or such other persons as the Commissioner may designate, when a parking lot is constructed, expanded, enlarged, or altered.

1143.11 PARKING LOT DESIGN.

Parking lots in the Multiple-Family, Low Density Districts (ML), and Multiple-Family High Density Districts (MH); Commercial Districts, C1 Office, C2 Retail,

C3 General Business, C4 Public School, and the Industrial (I) District, are regulated pursuant to Section 1325.08 of the Building Code.

SCHEDULE 1143.05: PARKING USES AND SPACE REQUIREMENTS				
USE	STACKING SPACES REQUIRED**	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED	OTHER REQUIREMENTS
RESIDENTIAL				
Single-, Two-, Three-Family		2/Dwelling Unit	None	One (1) required space shall be in a garage. The front yard shall not be used for off-street parking except in the Lagoon District.
Type B Home Occupation		3	None	In addition to requirement for residential use.
Bed & Breakfast		1/Guest Room	None	In addition to requirement for residential use.
Multi-Family Studio 1 Bedroom 2+ Bedroom		1.5/Dwelling Unit	None	One (1) required space shall be assigned to each dwelling unit. One (1) required space shall be in a garage. The front yard shall not be used for off-street parking.
Multi-Family Bedrooms Added to Existing		1/Bedroom	None	One (1) required space shall be added for each two (2) occupancy increases or fraction thereof.
Sleeping Rooms		1/Roomer	None	
Commercial Lodging		1/Room plus .25/employee	1/100 Units or fraction thereof	
Elderly Housing		.25/Dwelling Unit	One (1)	

SCHEDULE 1143.05: PARKING USES AND SPACE REQUIREMENTS				
USE	STACKING SPACES REQUIRED**	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED	OTHER REQUIREMENTS
RESIDENTIAL (Cont.)				
Group/Nursing/Convalescent/Assisted Living Home		1/employee plus .25/Bed or .25/Dwelling Unit	One (1)	
Home Day Care		.25/Infant, Toddler, Child	None	
RETAIL SERVICE				
General Retail	2/Lane (Pharmacy, Photo or other low to moderate use)	2.5/1,000 sq. ft. GFA*	None	
Convenience Service		4/1,000 sq. ft. GFA	None	
		2.5/1,000 sq. ft. GFA	None	
Hard Goods		2.5/1,000 sq. ft. GFA	None	
Shopping Center		4/1,000 sq. ft. GFA	1/25,000 sq. ft.	
Personal Care Service		1.5/Station	None	
Coin Operated Laundries		1/4 Machines	None	
Other Retail/Service		2.5/1,000 sq. ft. GFA + .5/Employee	None	
Motor Vehicle Sales and Service	2/Gas Pump Island	1/Employee +2/Bay 2.5/1,000 sq. ft. GFA	1/25,000 sq. ft.	
	5/Car Wash Lane	2 Stacking Spaces/Gas Pump Island		

SCHEDULE 1143.05: PARKING USES AND SPACE REQUIREMENTS				
USE	STACKING SPACES REQUIRED**	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED	OTHER REQUIREMENTS
RETAIL SERVICE (Cont.)				
Car Wash		1/Employee +2 Stacking Spaces/Bay	None	
FOOD AND BEVERAGE				
Quality Restaurant		.25/Seat	None	
Family Restaurant		.25/Seat	None	
Fast Food	10/Drive- Through Lane	.25/Seat provided	None	
Carry Out		2.5/1,000 sq. ft. GFA	None	
Bars/Taverns		.25/Seat	None	One (1) required space for every twelve (12) square feet of designated standing area.
OFFICE AND BUSINESS SERVICES				
General Business		3.5/1,000 sq. ft. GFA	None	
Financial Services	3/Drive- Through Lane	3.5/1,000 sq. ft. GFA	None	
Medical Offices		4/Doctor	None	
STORAGE/WAREHOUSE				
Mini Warehouse		1/Storage Unit +2	None	

SCHEDULE 1143.05: PARKING USES AND SPACE REQUIREMENTS				
USE	STACKING SPACES REQUIRED**	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED	OTHER REQUIREMENTS
INDUSTRIAL				
Any use described in Section 1131.02		.5/Employee	1/25,000 sq. ft. up to 50,000 sq. ft. GFA; +1/next 50,000 sq. ft. +1/100,000 sq. ft. thereafter	
WIRELESS TELECOMMUNICATION FACILITIES				
Any use described in Section 1159.05(l)		1/Facility		
EDUCATION				
Elementary and Secondary Schools		1/Classroom or .25/Seat in Assembly Hall; 2/Student +1/Staff +.33/Seat in Stadium or Assembly Hall, whichever is greater	None	
High School, College, Trade School		.2/Student + 1/Staff + .33/Seat in stadium or Assembly Hall, whichever is greater	None	
Dance/Karate Studio		.33/Student	None	

SCHEDULE 1143.05: PARKING USES AND SPACE REQUIREMENTS				
USE	STACKING SPACES REQUIRED**	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED	OTHER REQUIREMENTS

CULTURAL/RECREATIONAL/ENTERTAINMENT				
Public Assembly		.33/Seat	None	
Church		.33/Seat	None	
Funeral Homes		1/50 sq. ft. GFA* Parlor/Service Rooms	None	
Public Recreation		10/1,000 sq. ft. Recreation Area	None	
Bowling Alley		2/Alley	None	
Skating Rinks		10/1,000 sq. ft. Activity Area	None	

*(GFA) Gross Floor Area, see Section 1143.03.

** Stacking spaces not specified shall be determined on an individual basis by the Commission.

is hereby repealed.

Section 2. That a new sub-section within section 1103.02 Parking Lot, is hereby enacted to read as follows:

§1103.02() **Parking Lot** means any outdoor space, plot, place, lot, parcel, yard or enclosure or any portion thereof, where more than two motor vehicles may be parked, stored, serviced, housed or kept.

Section 3. That new a sub-section within section 1103.02, Parking Space, of the Codified Ordinances of the City of Lakewood is hereby enacted to read as follows:

§1103.02() **Parking Space** means an area designated for the parking of a bicycle or space designated by pavement markings intended for the parking of a motor vehicle.

Section 4. That new Chapter 1143, Parking, of the Zoning Code of the City of Lakewood, is hereby enacted to read as follows:

1143.01 PURPOSE

The purpose of this Chapter is to establish flexible vehicle parking requirements that support the Community's Vision to provide safe, convenient, and integrated transportation options throughout the city. Parking requirements are based on the needs of the community and consider the context of the neighborhood, transit availability, on-street parking, density, mix of uses, walkability, and the use of alternative modes of transportation. Parking requirements are designed to accommodate average day-to-day demand, as opposed to peak demand, in order to reduce excessive off-street parking and free up land for more economically productive or environmentally conscious uses.

1143.02 GENERAL PROVISIONS

- (a) For every building hereafter erected or expanded, or where the use is changed or enlarged, there shall be provided parking as set forth in this Chapter.
- (b) No permits shall be issued for any building, improvement or use of land, including, but not limited to, building permits and certificates of occupancy, until a parking plan is submitted to the Director showing such parking spaces, as defined in Section 1103.02 of this Zoning Code, as is hereunder required. Such plan shall be prepared at a reasonable scale, showing property lines, the dimensions of the property, the size and arrangement of all parking spaces, the means of ingress and egress to such parking spaces from the street and interior circulation within the property, the extent of any change required in existing site conditions to provide required parking spaces and such other conditions as may be necessary to permit review and approval of the proposed parking spaces.
- (c) Off-street, on-site parking spaces for all uses as required by this Chapter shall be designed and maintained in accordance with applicable sections of these Ordinances so as to be safe, attractive and free of hazard, nuisance or other unsafe condition.
- (d) Unenclosed parking spaces shall not be used for repair of a motor vehicle.
- (e) Parking for all motor vehicles shall be on an improved surface of concrete, asphalt or other materials approved by the Building Commissioner.

1143.03 DETERMINATION OF REQUIRED OFF-STREET PARKING SPACES.

- (a) Where floor area is designed as the standard for determining parking space requirements, floor area shall be computed on the gross floor area

(GFA), in square feet, of all floors of the building, including the exterior walls.

(b) Where number of employees is the standard, employees shall mean the regular working staff, (paid, volunteer or otherwise) at maximum strength/per shift and in full-time equivalent numbers necessary to operate, maintain or service any given facility or use under normal levels of service.

(c) The number of parking spaces required will be computed to the next largest number.

(d) In the case of mixed uses or more uses as listed in Section 1143.04, the total parking spaces shall be equal to the requirements of various uses computed separately.

(e) Cumulative parking requirements for mixed-use occupancies may be reduced upon review and approval by the Planning Commission where it can be determined that the peak requirement of the several occupancies occurs at different times (either daily or seasonally).

1143.04 USE CATEGORIES.

For the sole purpose of calculating parking requirements, uses are defined as follows:

(a) Commercial

(1) Car Wash: Including facilities for washing, waxing and cleaning of vehicles and vehicle components but expressly prohibiting facilities or equipment for the repair, overhaul or storage of motor vehicles or vehicle components.

(2) Commercial lodging: including hotels, motels, motor lodges and motor courts.

(3) Office: Means use of a building for business, professional, administrative or medical office. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees.

(4) Retail: Means sale or service to the final consumer for direct consumption or an establishment providing retail sale of products or services to the public.

(5) Storage/Warehouse: Including, but not limited to, mini warehouse with secured, individual storage units, which are leased for a fee to individual companies or persons.

(b) Industrial: Means manufacturing processing, assembly, and/or packaging plants of all types.

(c) Institutional: Means buildings of all types and facilities used by public, quasi-public or nonprofit agencies that serve or assist the public or provide an accepted public purpose, including hospitals.

(d) Residential

(1) Single-family structures; including detached houses and duplexes, townhouses, and clustered dwelling units that may be attached but have separate entrances.

(2) Multi-family structures; including condominium and apartment buildings with common entranceways and/or parking areas for two (2) or more dwelling units.

(3) Senior housing; including any multi-family dwelling occupied ninety percent (90%) or more by elderly persons, as defined by United States Department of Housing and Urban Development.

(4) Sleeping rooms; including boarding, lodging, rectories and convents, and rooms that are rented or used on an individual basis by non-family members.

(6) Group/convalescent/nursing homes and assisted living; where unrelated persons reside under supervision for special care, treatment, training or other purposes on a temporary or permanent basis.

(7) Day-care centers; where unrelated persons are cared for during limited periods each day in a supervised facility.

(e) Public Assembly: Including, but are not limited to, all buildings or portions of buildings, used for gathering together 100 or more persons for such purposes as deliberation, worship, entertainment, eating, drinking, or amusement. Examples of assembly include, but are not limited to, large meeting rooms and classrooms, auditoriums with fixed or loose chair seating, multi-purpose rooms, concert halls, and theaters. Restaurants, or other rooms used primarily for the service of food are not places of public assembly.

(f) Wireless Telecommunication Facilities: pursuant to Section 1159.05(1).

(g) Sexually Oriented Businesses: pursuant to Section 1163.06.

(h) Mixed Use Overlay District: pursuant to Section 1135.03(b).

(i) Planned Development: pursuant to Section 1156.05(e).

(j) Drive-through facilities; including but not limited to, fast-food restaurants, financial institutions, car washes, photo uses, and drug stores.

1143.05 SCHEDULE OF USES AND SPACE REQUIREMENTS.

The required number of off-street parking spaces for a use category described in Section 1143.04 shall be as set forth in Schedule 1143.05 following this Chapter. Parking in accordance with the schedule is required.

The Director is hereby authorized to determine the required off-street parking requirements for uses not specifically listed in this Ordinance, based on the most similar use(s) that are listed. Such determination by the Director shall be in writing and shall be appealable to Planning Commission, per Section 1173.03.

1143.06 UNLICENSED, IMMOBILIZED VEHICLES.

No person shall store or permit to be stored, for a period of more than three (3) consecutive days, any motor vehicles not having current year license plates and/or damaged or immobilized so as to render it incapable of being moved under its own power, upon any lot or land designated as within any district, unless the same shall be in a completely enclosed building or garage. "Motor Vehicle" shall have the same meaning as in O.R.C. 4501.01. This Section shall not apply to motor vehicle sales lots.

1143.07 APPLICABILITY.

The Director shall enforce the provisions of Chapter 1143, or such other persons as the Director may designate, and may ask for advisement from the Planning Commission on manners related to parking.

1143.08 PARKING LOT DESIGN.

Parking lots, as defined in Section 1103.02 of this Zoning code, in the Multiple-Family, Low Density Districts (ML), and Multiple-Family High Density Districts (MH); Commercial Districts, C1 Office, C2 Retail, C3 General Business, C4 Public School, and the Industrial (I) District, are regulated pursuant to Section 1325.08 of the Building Code.

1143.09 PARKING PLAN REVIEW: PLANNING COMMISSION

The Planning Commission shall review applications for parking plans that do not meet the set schedule in 1143.05. In addition to referencing Section 1143.09 and Section 1143.10, the Commission may consider the following when reviewing an application:

(a) Impact on central character of residential neighborhoods taking on overflow parking;

- (b) Available surface parking lots in the neighborhood that could be used for shared parking;
- (c) Similarly scaled projects throughout the city to compare parking footprint;
- (d) When a restaurant use is proposed, the total number of tables to parking spaces;
- (e) Total number of employees;
- (f) Alternative forms of transportation available in the neighborhood;
- (g) Implementation of bicycle facilities, including but not limited to, bicycle racks, covered bicycle parking, and shower facilities for employees;
- (h) Peak demand for parking spaces from all uses compared to the total supply of spaces;
- (i) Traffic impact analysis and/or a traffic demand study;
- (j) For uses defined as Institutional or Public Assembly in Schedule 1143.05, the Commission may consider the following guidelines:
 - (1) 1 space for each 80 sq ft of all auditoria and public assembly rooms
 - (2) 1 space for each employee

1143.10 EXCEPTIONS TO REQUIRED MINIMUMS

The number of parking spaces required may be reduced in accordance with the following credits as determined by the Planning Commission when reviewing an application for a reduction to the minimum number of parking spaces required per Schedule 1143.05.

The Board of Zoning Appeals shall determine whether the applicant can demonstrate that enforcement of minimum parking requirements will result in practical difficulty according to the criteria set forth in Section 1173.04(c).

- (a) For uses defined as Commercial in Section 1143.04 the Planning Commission may consider the following:
 - (1) One space credit for each off-site parking space which is owned or rented by the property or business owner for the purpose of providing parking to the subject property. Such off-site spaces shall be located within 1,000 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking space/lot to the main public entrance of the use served.
 - (2) One space credit for each off-site parking space provided by valet parking service. The property or business owner shall submit to the department written documentation of permission to use an off-site parking for valet parking. The Director may request a review of the agreement as often as annually to ensure compliance.

(3) One space credit for each space in a parking lot or parking structure provided for public use located within 1,000 feet, as measured by using the shortest pedestrian route from the nearest corner of the parking lot or structure to the main public entrance of the use served.

(4) A determination by the Director is made that there is no change in use and the same parking facilities are in place.

(b) For uses defined as Residential in Section 1143.04 the Planning Commission may consider implementing an improvement to the property that aligns with the general goals and objectives as described in the Vision including, but not limited to, the following:

(1) Implement improvements to the property that may reduce carbon emissions and improve energy efficiency using environmental best practices as defined by the Environmental Protection Agency;

(2) Implement storm water management techniques such as bio-swales, rain gardens, and pervious pavements;

(3) Construct a shed or storage building on site for landscaping equipment and additional storage;

(4) Install of an innovative landscaping plan, considered to be over and above the landscaping requirements as typically required by the Architectural Board of Review.

(5) Plant, flower, and tree type, size, design, location and irrigation may be considered as part of the landscape plan to be reviewed

(6) For properties not connected properly to the city's sanitary and storm system per Section 913.05, the applicant can make the necessary improvements to connect correctly.

1143.11 EXCEPTIONS TO REQUIRED MAXIMUMS

The number of parking spaces provided may exceed the maximum specified per the following options as determined by the Planning Commission when reviewing an application to exceed the maximum number of parking spaces allowed per 1143.05.

(a) One space increase for each space located in a parking structure.

(b) Implementation of additional measures that control the flow of stormwater runoff on the project site pursuant to EPA Best Management Practices (BMP) by:

(1) Providing and treating or controlling an additional volume above the computed Water Quality Volume (WQv) as determined by Chapter 1339. Post-Construction BMP exemptions mentioned in Chapter 1339 shall not apply to this section.

(2) Projects that disturb an area less than 8,000 square feet may use this exception

(c) Installation of a streetscape improvement for public use, including, but not limited to

(1) A transit waiting environment along an existing bus route.

(A) The transit waiting environment (e.g., bus stop) shall take into consideration design guidelines for transit waiting environments produced by the local transit authority, and any other design guidelines or standards as recommended by the Administration or City Council;

(B) Location of the transit waiting environment is to be determined by the Planning Director or such other persons as the Director may designate

(2) Public art installation;

(3) Public pedestrian seating, street trees, or decorative street lighting;

(4) Streetscape improvements shall require approval by the Architectural Board of Review;

(d) Implementation of an innovative landscaping plan, considered to be over and above the landscaping typically required by the Architectural Board of Review;

(1) Plant, flower, and tree type, size, design, location and irrigation may be considered as part of the landscape plan to be reviewed

(e) The property or business owner will make its parking lot available for shared parking with neighboring businesses.

1143.12 BICYCLE PARKING REQUIREMENTS

All uses defined as Retail or Office shall provide bicycle parking, in conformance with the following standards.

- (a) One (1) bicycle parking space per 2,500 square feet for uses defined as Retail or Office;
- (b) Required bicycle parking shall be provided in a safe, accessible and convenient location;
- (c) The bicycle space shall be within 250 feet of at least one main entrance of the building, as measured along the most direct pedestrian access route;
 - (1) Bicycle spaces already installed within 250 feet of one main entrance shall count towards the bicycle parking requirement;
- (d) There must be an aisle at least 5 feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way; and
- (e) Bike rack design shall follow the recommendations in the Association of Pedestrian and Bicycle Professionals (APBP) Bicycle Parking Guidelines.

1143.13 STACKING SPACE REQUIREMENTS

Stacking spaces not specified shall be determined on an individual basis by the Commission. The following business uses shall be subject to the following stacking requirements:

- (a) Bank, Pharmacy, Photo or other low to moderate use: 2/Lane
- (b) Motor Vehicle Sales/Gas Station: 2/Gas Pump Island
- (c) Car Wash: 5/Car Wash Lane
- (d) All other uses defined as Commercial with a Drive-Through Lane: 10/Drive-Through Lane.

1143.05 SCHEDULE OF USES AND SPACE REQUIREMENTS	
Uses	Parking Space Requirement
Residential	
Single-, Two-, Three-Family	Min 1/Dwelling Unit; No Max; One (1) required space shall be in a garage.
Type B Home Occupation	Minimum is same for residential use; Max of 3, in addition to requirement for residential use
Bed & Breakfast	Minimum is same for residential use; Max 1/Guest Room, in addition to requirement for residential use
Multi-Family, Studio, 1 Bedroom, 2+Bedroom	Min of 1/Dwelling Unit; Max of 2/Dwelling Unit
Sleeping Rooms	Min of .5/Roomer; Max of 1/Roomer
Senior Housing	Min of .5/employee; Max of 1/employee or .25/Dwelling Unit

Group/Nursing/Convalescent/Assisted Living Home	Min of .5/employee; Max of 1/employee or 1 space/bed
Day Care	Min of .5/employee plus 4 drop off spaces; Max of 1/employee plus 8 drop off spaces
Commercial	
Retail*	Min 1 for each 1,000 sq ft GFA; Max 2.5 for each 1,000 sq ft GFA
Office*	Min 2 for each 1,000 sq ft GFA; Max 3.5 for each 1,000 sq ft GFA
Car Wash	No Min; Max of 1/Employee
Storage/Warehouse	Min of 1/Employee; Max of 1.5/Employee
Commercial Lodging	Min of .5/Room; Max of 1/Room
*Businesses occupying existing buildings or tenant spaces under 2,500 sq ft are not required to provide off street parking	
Industrial	
Any use described in Section 1131.02	Min .25/Employee; Max 1.5/Employee
Wireless Telecommunication Facilities - Any use described in Section 1159.05(l)	No min; Max 1/Facility
Institutional	
Elementary, Secondary and High Schools, College, Trade School	As required by the Planning Commission per Section 1143.09
Church	As required by the Planning Commission per Section 1143.09
Hospital	As required by the Planning Commission per Section 1143.09
Public Recreation	As required by the Planning Commission per Section 1143.09
Other	
Public Assembly	As required by the Planning Commission per Section 1143.
Wireless Telecommunication Facilities	Pursuant to Section 1159.05(l)
Sexually Oriented Businesses	Pursuant to Section 1163.06
Mixed Use Overlay District	Pursuant to Section 1135.03(b)
Planned Development	Pursuant to Section 1156.05(e)

Section 5. That Section 1171.03, Planning Commission, currently reading as follows:

1171.03 PLANNING COMMISSION.

In addition to the powers and duties conferred by Charter the Commission shall, for purposes of this Code, have the following duties:

- (a) To review and approve or disapprove an application for a Conditional Use Permit for a particular lot according to the general criteria set forth in Section 1173.02 and the specific criteria set forth in Chapter 1161.
- (b) To determine that a proposed use not listed or provided for in this Code is substantially similar to a permitted or conditionally permitted use that is listed and provided for in this Code by applying the criteria set forth in Section 1173.03.
- (c) To review and approve or disapprove each application for a use variance.
 - (1) In the case of a use variance to allow a use not permitted under this Code in the zoning district in which the property is located, the Commission must find that the applicant has demonstrated that the literal enforcement of the Code will result in unnecessary hardship according to the criteria set forth in Section 1173.04(d).
 - (2) When granting a use variance, the Commission may prescribe any conditions or safeguards that it deems necessary to insure that the applicant will comply with the terms of the variance, and to preserve the spirit and intent of the Code.
- (d) To review and approve or disapprove amendments to the regulations, restrictions, and boundaries set forth in this Code.
- (e) To review at least once each year the regulations, restrictions, and boundaries set forth in this Code to determine whether same are consistent with the Vision and the public purposes specified herein, in order to make recommendations to Council where necessary; the first such annual review shall be completed not later than December 31, 1997.
- (f) To review and recommend to Council approval or disapproval of plats for the subdivision and resubdivision of any major subdivision.
- (g) To review and approve or disapprove an application for a Mixed Use Overlay according to the criteria set forth in Chapter 1135.
- (h) To review and approve or disapprove an application for a Planned Development according to the specific criteria set forth in Chapter 1156.
- (i) The Commission shall hold a public hearing within sixty (60) days after receipt of an application, request for determination, or referral before the Commission pursuant to this Section.

...

shall be and is hereby amended to read as follows:

1171.03 PLANNING COMMISSION.

In addition to the powers and duties conferred by Charter the Commission shall, for purposes of this Code, have the following duties:

- (a) To review and approve or disapprove an application for a Conditional Use Permit for a particular lot according to the general criteria set forth in Section 1173.02 and the specific criteria set forth in Chapter 1161.
- (b) To determine that a proposed use not listed or provided for in this Code is substantially similar to a permitted or conditionally permitted use that is listed and provided for in this Code by applying the criteria set forth in Section 1173.03.
- (c) To review and approve or disapprove each application for a use variance.
 - (1) In the case of a use variance to allow a use not permitted under this Code in the zoning district in which the property is located, the Commission must find that the applicant has demonstrated that the literal enforcement of the Code will result in unnecessary hardship according to the criteria set forth in Section 1173.04(d).
 - (2) When granting a use variance, the Commission may prescribe any conditions or safeguards that it deems necessary to insure that the applicant will comply with the terms of the variance, and to preserve the spirit and intent of the Code.
- (d) To review and approve or disapprove amendments to the regulations, restrictions, and boundaries set forth in this Code.
- (e) To review at least once each year the regulations, restrictions, and boundaries set forth in this Code to determine whether same are consistent with the Vision and the public purposes specified herein, in order to make recommendations to Council where necessary; the first such annual review shall be completed not later than December 31, 1997.
- (f) To review and recommend to Council approval or disapproval of plats for the subdivision and resubdivision of any major subdivision.
- (g) To review and approve or disapprove an application for a Mixed Use Overlay according to the criteria set forth in Chapter 1135.
- (h) To review and approve or disapprove an application for a Planned Development according to the specific criteria set forth in Chapter 1156.

(i) To review and approve or disapprove parking plans submitted that do not meet the schedule of use and space requirements in Section 1143.05.

(j) The Commission shall hold a public hearing within sixty (60) days after receipt of an application, request for determination, or referral before the Commission pursuant to this Section.

...

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberation of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650
www.onelakewood.com
Lakewood City Council
MARY LOUISE MADIGAN, PRESIDENT
RYAN P. NOWLIN, VICE PRESIDENT

Council at Large
RYAN P. NOWLIN
THOMAS R. BULLOCK III
CINDY MARX

Ward Council
DAVID W. ANDERSON, WARD 1
SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN

November 3, 2014

Lakewood City Council
Lakewood, OH 44107

Re: Council Appointments

Dear Members of Council,

Council appointment resolutions for 2015 are attached regarding the following Boards and Commissions:

- Planning Commission (6 yr. term 1/1/15 to 12/31/2020)
- Board of Building Standards/Building Appeals and Architectural Board of Review (5 yr. term; 1/1/15 to 12/31/19).
- Board of Zoning Appeals (5 yr. term; 1/1/15 to 12/31/19)
- Two Community Reinvestment Area Housing Council (3 yr. term; 1/1/15 to 12/31/17)
- Board of Nuisance Abatement Appeals (3 yr. term; 1/1/2015 to 12/31/2017)
- Lakewood Hospital Association Governing Board Community Organization Trustee (1/1/15 to 12/31/2019)
- Two appointments to Lakewood Heritage Advisory Board (4 yr. term; 1/1/15 to 12/31/18)

Please note individual councilmembers' appointees on the Citizens Advisory Committee, Community Relations Advisory Commission, and the Animal Safety & Welfare Advisory Board are also due in 2015.

Please refer to the Committee of the Whole.

Sincerely,

Mary Louise Madigan
President of Council

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Planning Commission for the six-year term beginning January 1, 2015 and ending December 31, 2020.

WHEREAS, the end of a term has caused a vacancy on the Planning Commission beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the commission; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Planning Commission for the six-year term beginning January 1, 2015 and ending December 31, 2020.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Board of Building Standards and Building Appeals and the Architectural Board of Review for the five-year term beginning January 1, 2015 and ending December 31, 2019.

WHEREAS, the end of a term has caused a vacancy on the Board of Building Standards and Building Appeals and the Architectural Board of Review beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the board; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Board of Building Standards and Building Appeals and the Architectural Board of Review for the five-year term beginning January 1, 2015 and ending December 31, 2019.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Board of Zoning Appeals for the five-year term beginning January 1, 2015 and ending December 31, 2019.

WHEREAS, the end of a term has caused a vacancy on the Board of Zoning Appeals beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the board; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Board of Zoning Appeals for the five-year term beginning January 1, 2015 and ending December 31, 2019.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Community Reinvestment Area Housing Council for a three-year term beginning January 1, 2015 and ending December 31, 2017.

WHEREAS, the end of a term has caused a vacancy on the Community Reinvestment Area Housing Council beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the council; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Community Reinvestment Area Housing Council for a three-year term beginning January 1, 2015 and ending December 31, 2017.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Community Reinvestment Area Housing Council for a three-year term beginning January 1, 2015 and ending December 31, 2017.

WHEREAS, the end of a term has caused a vacancy on the Community Reinvestment Area Housing Council beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the council; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Community Reinvestment Area Housing Council for a three-year term beginning January 1, 2015 and ending December 31, 2017.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Board of Nuisance Abatement Appeals for the three-year term beginning January 1, 2015 and ending December 31, 2017.

WHEREAS, the end of a term has caused a vacancy on the Board of Nuisance Abatement Appeals beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the board; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Board of Nuisance Abatement Appeals for the three-year term beginning January 1, 2015 and ending December 31, 2017.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ as a community organization trustee to the Lakewood Hospital Association Governing Board, for the term beginning January 1, 2015 and ending December 31, 2019.

WHEREAS, Council is obligated to appoint a community organization trustee to the Lakewood Hospital Association Governing Board, in accordance with Section 9.2(j)(ii) of the lease agreement between the City of Lakewood and the Lakewood Hospital Association; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is currently vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Council appoints _____ as a community organization trustee to the Lakewood Hospital Association Governing Board, for the term beginning January 1, 2015 and ending December 31, 2019.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Lakewood Heritage Advisory Board for a four-year term beginning January 1, 2015 and ending December 31, 2018.

WHEREAS, the end of a term has caused a vacancy on the Lakewood Heritage Advisory Board beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the board; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is soon vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Lakewood Heritage Advisory Board for a four-year term beginning January 1, 2015 and ending December 31, 2018.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, appointing _____ to the Lakewood Heritage Advisory Board for a four-year term beginning January 1, 2015 and ending December 31, 2018.

WHEREAS, the end of a term has caused a vacancy on the Lakewood Heritage Advisory Board beginning January 1, 2015, in a seat occupied by a Council appointee, thus requiring an appointment to the board; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure and that it shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that the position to be occupied by this appointee is soon vacant; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD:

Section 1. Council appoints _____ to the Lakewood Heritage Advisory Board for a four-year term beginning January 1, 2015 and ending December 31, 2018.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least five of members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

CLERK

Approved: _____

MAYOR



12650 DETROIT AVENUE 44107 216/529-6055 FAX 216/226-3650
www.onelakewood.com
Lakewood City Council
MARY LOUISE MADIGAN, PRESIDENT
RYAN P. NOWLIN, VICE PRESIDENT

Council at Large
RYAN P. NOWLIN
THOMAS R. BULLOCK III
CINDY MARX

Ward Council
DAVID W. ANDERSON, WARD 1
SHAWN P. JURIS, WARD 3
MARY LOUISE MADIGAN

November 3, 2014

Lakewood City Council
Lakewood, OH 44107

Re: 1. Crimes Tip Rewards Program 2. Adjust Dangerous Dog Registration Fee

Dear Members of Council:

I'd like to continue deliberations on two public safety matters I've previously raised with the Council, since both topics are still relevant: considering the creation of a misdemeanor crimes tip rewards program, to be administered by Division of Police, with a special emphasis on graffiti and other forms of chronic vandalism; and adjusting the fee for dangerous dog registration to reflect actual administrative costs.

I respectfully request a referral to the Public Safety Committee.

Sincerely,

Thomas R. Bullock III
Councilmember at Large

attachments

RESOLUTION NO.

BY:

AN EMERGENCY RESOLUTION authorizing Director of Public Safety to establish a one year graffiti prevention pilot program with expenditures not to exceed \$5,000 for the purpose of acquiring information to aid law enforcement activities related to graffiti-related offenses.

WHEREAS, in recent months, the Lakewood Police Department has been pursuing increased law enforcement activities in response to a marked increase in graffiti damage in the central and western parts of the City; and

WHEREAS, the City of Lakewood's Building Department has been diligently pursuing graffiti-remediation enforcement activities to remove graffiti promptly as part of our City's initiatives to keep our community safe, clean, and family-friendly; and

WHEREAS, the crime of graffiti is especially damaging since it frequently places the burden and expense of remediation on the victims, rather than the perpetrators, of the crime; and

WHEREAS, national graffiti prevention organizations recommend that cities encourage citizen reporting since it has proven to be one of the most effective steps towards preventing graffiti; and

WHEREAS, this Council by a vote of at least five (5) members elected thereto determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in ARTICLE III, SECTIONS 10 and 13 of the SECOND AMENDED CHARTER OF THE CITY OF LAKEWOOD, and that it is necessary for the immediate preservation of the public property, health and safety, and to provide for the usual daily operation of municipal departments in that this agreement should be formalized immediately. Now Therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO

Section 1. The Director of Public Safety is hereby authorized to establish a graffiti prevention program with expenditures not to exceed \$5,000 within the twelve month period from the effective date of this resolution, including payments of rewards for information leading to arrest or conviction for graffiti-related offenses. No single reward payment from these funds shall exceed \$1,000.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this council, and that all such deliberations of this Council and any of its

committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3. That this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five (5) of its members elected to Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor otherwise, it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor

ORDINANCE NO.

BY:

AN ORDINANCE amending Section 506.04 of the Codified Ordinances, Exception, Registration and Fee, for the purpose of eliminating the fees associated with the annual renewal of registrations of dangerous animals.

WHEREAS, Section 506.04 of the Codified Ordinances, Dangerous and Vicious Animals, requires the annual renewal of registrations of dangerous animals; and

WHEREAS, Section 506.04 requires the payment of an annual registration fee in addition to the initial fee; and

WHEREAS, Council and the Administration have determined the fee is unnecessary for the purpose of preserving the peace and protecting the public in the City, thus warranting a change in the ordinance; and

WHEREAS, the annual registration of dangerous animals shall nevertheless continue; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That Section 506.04 of the Codified Ordinances, Exception, Registration and Fee, currently reading as follows:

506.04 EXCEPTION, REGISTRATION AND FEE.

- (a) Any owner of a dangerous animal as defined in Section 506.03 on the effective date of this section who intends to keep such dangerous animal within the City shall have ninety days from the effective date of this section, or, on a showing of good cause for having failed to adhere to the provisions hereof within ninety days of the effective date of this section, thirty days from the date the owner is notified of his or her noncompliance, to register such dangerous animal with the Director of Public Safety or his or her designee. The fee for such registration shall be fifty dollars (\$50.00). Registration shall take place annually thereafter. Registration shall include providing the name and contact information of the owner of the danger-

ous animal, the location where the dangerous animal shall be kept, and any other information deemed necessary to ensure the safety of the public by the Director of Public Safety or his or her designee. Registration shall be rejected and the dangerous animal shall be removed from the if the owner fails to show proof annually of compliance with the following conditions:

- (1) That the dangerous animal has been implanted with a microchip or similar device approved by the Director of Public Safety, for purposes of identification. Such information contained on the device shall be maintained in a database by the Division of Animal Control along with a photograph of the dangerous animal;
 - (2) That the dangerous animal has been spayed or neutered;
 - (3) That the owner has obtained liability insurance with an insurer authorized to write liability insurance in the State, providing coverage for each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000) because of damage or bodily injury to, or death of, a human being caused by the animal and that such insurance policy is paid in full for the entire period of registration.
- (b) The following terms, conditions and restrictions shall apply to the handling of a dangerous animal registered pursuant to this Section:
- (1) The dangerous animal, while on the premises of its owner or custodian, shall be confined indoors or in a securely enclosed pen or "dog run" area which shall have sides six feet high and a secure top, and its bottom secured to its sides or imbedded at least one foot into the ground;
 - (2) The dangerous animal, while off the premises of its owner or custodian, shall be securely muzzled, leashed with a chain not longer than three feet having tensile strength of not less than 300 pounds, and under the control of a person eighteen years of age or older who is physically capable of restraining the animal;
 - (3) Any government or utility company employee and anyone else who comes on the property, with implied consent or peaceably and lawfully, shall immediately be informed of the animal's dangerousness.
- (c) The owner of a dangerous animal shall immediately notify the Director of Public Safety or his or her designee of the change of any information contained in the registration of the dangerous animal including but not limited to a change in the address

where the animal is kept and if the animal has been removed from the City.

- (d) Registration of the dangerous animal shall be revoked and such animal shall immediately be removed from the City, and cannot be returned under these exceptions, upon any of the following:
- (1) The dangerous animal bites any person or any other animal;
 - (2) Failure to comply with any provision of this Chapter;
 - (3) Removal of the dangerous animal for more than seven calendar days from the City except for a reasonable period to permit boarding where the owner is unavailable to care for the animal, where the owner elects to travel with the animal in lieu of boarding, or when seeking medical attention by a licensed veterinarian for the animal;
 - (4) The owner provides false information for purposes of registration or fails to properly renew registration including the provision of information required in Sections 506.04(a) and 506.04(c) above;

An order to remove a dangerous animal shall be issued by the Director of Public Safety or his or her designee upon conviction of a violation of this Chapter by a court of competent jurisdiction or by a finding that any circumstance in Section 506.04(d) has occurred by the Director of Public Safety or his or her designee after a hearing.

- (e) Notwithstanding the provisions of Section 506.01, any owner of a dangerous animal except for those defined in Section 506.03 may keep such dangerous animal within the City after 90 days from the effective date of this section, provided that the owner adheres to all lawful orders of Director of Public Safety or his or her designee which are deemed necessary to ensure the safety of the public, including but not limited to any precautions identified in Section 506.04(a) and (b).
- (f) Notwithstanding the provisions of Section 506.01, any licensed veterinarian, any person or entity doing business as a stationary veterinary facility, and any person or entity doing business as an animal rescue organization that is organized and operated exclusively for exempt purposes set forth in Section 501(c)(3) of the Internal Revenue Code may keep a dangerous animal, including those defined in Section 506.03, within the City provided that the veterinarian, veterinary facility and animal rescue organization keeps the animal in the furtherance of legitimate business or charitable interests, adheres to all lawful orders of the Director of Public Safety or his or her designee which are deemed necessary to ensure the

safety of the public, and keeps the dangerous animal for a period of not longer than 60 days.

shall be and hereby is amended to read as follows:

506.04 EXCEPTION, REGISTRATION AND FEE.

- (a) Any owner of a dangerous animal as defined in Section 506.03 on the effective date of this section who intends to keep such dangerous animal within the City shall have ninety days from the effective date of this section, or, on a showing of good cause for having failed to adhere to the provisions hereof within ninety days of the effective date of this section, thirty days from the date the owner is notified of his or her noncompliance, to register such dangerous animal with the Director of Public Safety or his or her designee. The fee for such registration shall be fifty dollars (\$50.00). Registration shall take place annually thereafter, except that no annual registration fee shall be required. Registration shall include providing the name and contact information of the owner of the dangerous animal, the location where the dangerous animal shall be kept, and any other information deemed necessary to ensure the safety of the public by the Director of Public Safety or his or her designee. Registration shall be rejected and the dangerous animal shall be removed from the City if the owner fails to show proof annually of compliance with the following conditions:

...

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberation of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor



12650 DETROIT AVENUE . 44107 . 216/529-6092 . FAX 216/529-6806

Jennifer R. Pae
Director of Finance

November 3, 2014

Lakewood City Council

Re: Amended Purchasing and Contracting Ordinance FY2014

Dear Members of Council:

Attached is an amended ordinance reflecting increased contracting authority in the amount of \$30,000.

Increasing Services Contracts Contracting Authority for:

- \$75,000 Electronic Payment Services
- \$ 7,500 Water Meter Program Maintenance
- \$20,000 Cellular Phone Services

Increasing Materials, Supplies and Equipment Contracting Authority for:

- \$ 5,000 Oil & Lubricants
- \$10,000 Communications Equipment

The item included is part of the 2014 Appropriation Ordinance.

Please refer to the Finance Committee for further discussion.

Respectfully,

Jennifer R. Pae
Director of Finance

ORDINANCE NO: 1-14 D

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Ordinance 1-14C, adopted October 6, 2014, authorizing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2014 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law.

WHEREAS, this Council desires to provide the authorization to the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2014 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure, and that this ordinance shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public peace, property, health and safety, and to provide for the usual daily operation of municipal departments in that delay could impair the City's ability to provide necessary services in a timely manner; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1 of Ordinance 1-14C, adopted October 6, 2014 currently reading as follows:

Section 1. That the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager be and are hereby authorized and directed to enter into a contract or contracts for supplies, services and equipment with the lowest and best bidder or bidders or as otherwise provided by law, as follows:

Professional services contracts included in the 2014 Budget are as follows:

- 1) Legal Services.....300,000
- 2) Recodification of Ordinances 12,500

3) Financial Audit	70,000
4) Hospitalization and Health Care Benefit Consulting Services.....	45,000
5) Consultant for Workers Compensation.....	40,000
6) Risk Management Consulting Services.....	13,000
7) Healthcare, Physicals, Drug & Alcohol Testing	20,000
8) Employee Assistance Program	10,000
9) Supervisor / Manager / Employee Training.....	125,000
10) Exams for Classified Positions	75,000
11) Housing and Building Plans Examinations.....	12,000
12) Lakewood Jail Medical Services	75,000
13) Band Concerts.....	15,000
14) Municipal Engineering Consultant.....	60,000
15) Debt Issuance Costs	75,000
16) Forensic Services	35,000
17) Long Term Control Plan and Storm Water Professional Services	250,000
18) Administrative Professional Services.....	100,000
Sub-Total	\$1,332,500

Services contracts included in the 2014 Budget are as follows:

1) Government Agreements (WEB).....	100,000
2) Government Agreements (Bd of Ed/Pools)	210,000
3) Financial Institution Service Charges	50,000
4) Electronic Payment Services	50,000
5) Property & Liability Insurance Contracts	450,000
6) Workers' Comp Stop Loss Insurance	105,000
7) Life Insurance	25,000
8) Hospitalization and Health Care Benefit Services	5,500,000
9) Medical Claims Billing Service.....	100,000
10) Sentenced Prisoners Full Jail Service	300,000
11) Home Delivered Meals	45,000
12) Distribution System Leak Survey	28,000
13) Disposal of Screenings and Grit (WWTP)	13,000
14) Excavation Spoils Removal.....	100,000
15) Roll of Box for Street Sweeping.....	50,000
16) Solid Waste Disposal Site.....	900,000
17) Waste Collections – Condominiums	80,000
18) Biosolids Disposal.....	100,000
19) Roll-Off Box for Construction Debris	60,000
20) Equipment Lease - Leaf Collection Project	15,000
21) Lab Analysis Service	25,000
22) Citywide Computer Hrdwr Op. Sys., & Software Maint Contracts	350,000
23) Communications Services.....	75,000
24) Water Meter Program Maintenance.....	12,500
25) Telephone Service	150,000
26) Cellular Phone Service	50,000
27) Janitorial Services.....	15,000
28) Laundry Service-Police Department	10,000
29) HVAC Maintenance	45,000
30) Elevator Maintenance	15,000
31) Copier Maintenance Service	25,000
32) Postage, Mailing Services, Equipment Lease/Maintenance	230,000
33) Rental and Laundry of Uniforms	10,000
34) Advertising	25,000
35) Printing Services.....	110,000
36) CRIS/LEADS Fees	35,000
37) Parking Citation Billing Service	50,000

38) Fireworks Display.....	35,000
39) Transportation Services	40,000
Sub-Total	\$9,588,500

Materials, supplies, and equipment authorized for purchase under the 2014 Budget are as follows:

1) Sand and Aggregate.....	30,000
2) Concrete Supplies.....	50,000
3) Asphalt Materials.....	50,000
4) Asphalt Cold Patch.....	10,000
5) Crack Sealant.....	40,000
6) Road Salt (Sodium Chloride).....	200,000
7) Fire Hydrants, Sewer and Water Appurtenances	100,000
8) Water Meter Supplies & Materials	75,000
9) Sign Shop-Supplies, Blanks & Reflective Material	50,000
10) Polymer Flocculants	26,000
11) Wastewater Treatment Chemicals	115,000
12) Tires and Road Service.....	78,000
13) Automotive Repairs, Parts and Supplies.....	500,000
14) Oil and Lubricants	35,000
15) Fuel (Gasoline and Diesel)	750,000
16) Purchase of Uniforms and Gear.....	40,000
17) Electrical Supplies	40,000
18) Hardware Supplies.....	30,000
19) Janitorial Supplies	45,000
20) Landscape Materials	25,000
21) Lumber Supplies	90,000
22) Plumbing Supplies.....	45,000
23) Pool Supplies – Chemicals	35,000
24) Small Tools and Equipment.....	110,000
25) Prisoner Food Supplies.....	40,000
26) Purchase Uniforms & Gear – Safety Forces	50,000
27) Ammunition	25,000
28) Office Supplies	40,000
29) Computer Supplies	15,000
30) Computer Software.....	15,000
31) Communications Equipment.....	50,000
32) Paper Supplies	20,000
33) Lease Copier Equipment.....	40,000
34) Subscriptions/Publications.....	35,000
35) Reforestation.....	90,000
36) Police Operating Equipment.....	25,000
37) Fire/EMS Operating Equipment	250,000
38) Computer Operating Equipment	500,000
39) Waste Water Treatment Plant Operating Equipment.....	150,000
Sub-Total	\$3,929,000
Total	\$14,850,000

be and hereby is amended to read:

Section 1. The Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager be and are hereby authorized and directed to enter into a

contract or contracts for supplies, services and equipment with the lowest and best bidder or bidders or as otherwise provided by law, as follows:

Professional services contracts included in the 2014 Budget are as follows:

1) Legal Services.....	300,000
2) Recodification of Ordinances	12,500
3) Financial Audit	70,000
4) Hospitalization and Health Care Benefit Consulting Services.....	45,000
5) Consultant for Workers Compensation.....	40,000
6) Risk Management Consulting Services.....	13,000
7) Healthcare, Physicals, Drug & Alcohol Testing	20,000
8) Employee Assistance Program	10,000
9) Supervisor / Manager / Employee Training.....	125,000
10) Exams for Classified Positions	75,000
11) Housing and Building Plans Examinations.....	12,000
12) Lakewood Jail Medical Services	75,000
13) Band Concerts.....	15,000
14) Municipal Engineering Consultant.....	60,000
15) Debt Issuance Costs.....	75,000
16) Forensic Services	35,000
17) Long Term Control Plan and Storm Water Professional Services	250,000
18) Administrative Professional Services.....	100,000
Sub-Total	\$1,332,500

Services contracts included in the 2014 Budget are as follows:

1) Government Agreements (WEB).....	100,000
2) Government Agreements (Bd of Ed/Pools).....	210,000
3) Financial Institution Service Charges	50,000
4) Electronic Payment Services.....	125,000
5) Property & Liability Insurance Contracts	450,000
6) Workers' Comp Stop Loss Insurance	105,000
8) Life Insurance	25,000
8) Hospitalization and Health Care Benefit Services	5,500,000
9) Medical Claims Billing Service.....	100,000
10) Sentenced Prisoners Full Jail Service	300,000
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13) Disposal of Screenings and Grit (WWTP)	13,000
14) Excavation Spoils Removal.....	100,000
15) Roll of Box for Street Sweeping.....	50,000
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18) Biosolids Disposal.....	100,000
19) Roll-Off Box for Construction Debris	60,000
20) Equipment Lease - Leaf Collection Project	15,000
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23) Communications Services.....	75,000
24) Water Meter Program Maintenance	20,000
25) Telephone Service	150,000
26) Cellular Phone Service.....	70,000
27) Janitorial Services.....	15,000
28) Laundry Service-Police Department	10,000
29) HVAC Maintenance	45,000
30) Elevator Maintenance	15,000

31) Copier Maintenance Service	25,000
32) Postage, Mailing Services, Equipment Lease/Maintenance	230,000
33) Rental and Laundry of Uniforms	10,000
34) Advertising	25,000
35) Printing Services	110,000
36) CRIS/LEADS Fees	35,000
37) Parking Citation Billing Service	50,000
38) Fireworks Display	35,000
39) Transportation Services	40,000
Sub-Total	\$9,691,000

Materials, supplies, and equipment authorized for purchase under the 2014 Budget are as follows:

1) Sand and Aggregate	30,000
2) Concrete Supplies	50,000
3) Asphalt Materials	50,000
4) Asphalt Cold Patch	10,000
5) Crack Sealant	40,000
6) Road Salt (Sodium Chloride)	200,000
7) Fire Hydrants, Sewer and Water Appurtenances	100,000
8) Water Meter Supplies & Materials	75,000
9) Sign Shop-Supplies, Blanks & Reflective Material	50,000
10) Polymer Flocculants	26,000
11) Wastewater Treatment Chemicals	115,000
12) Tires and Road Service	78,000
13) Automotive Repairs, Parts and Supplies	500,000
14) Oil and Lubricants	40,000
15) Fuel (Gasoline and Diesel)	750,000
16) Purchase of Uniforms and Gear	40,000
17) Electrical Supplies	40,000
18) Hardware Supplies	30,000
19) Janitorial Supplies	45,000
20) Landscape Materials	25,000
21) Lumber Supplies	90,000
22) Plumbing Supplies	45,000
23) Pool Supplies – Chemicals	35,000
24) Small Tools and Equipment	110,000
25) Prisoner Food Supplies	40,000
26) Purchase Uniforms & Gear – Safety Forces	50,000
27) Ammunition	25,000
28) Office Supplies	40,000
29) Computer Supplies	15,000
30) Computer Software	15,000
31) Communications Equipment	60,000
32) Paper Supplies	20,000
33) Lease Copier Equipment	40,000
34) Subscriptions/Publications	35,000
35) Reforestation	90,000
36) Police Operating Equipment	25,000
37) Fire/EMS Operating Equipment	250,000
38) Computer Operating Equipment	500,000
39) Waste Water Treatment Plant Operating Equipment	150,000
Sub-Total	\$3,944,000

Total **\$14,967,500**

Section 2. Contracts for supplies, services and equipment in excess of \$7,500 and for professional services in excess of \$5,000 shall not be awarded except as approved herein or further approved by resolution of Council.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble, and provided it receives the affirmative vote of at least five members of Council, this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President

Clerk

Approved: _____

Mayor

RESOLUTION NO.

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of council, or otherwise to take effect at the earliest period allowed by law, authorizing the City of Lakewood's participation under an agreement between the Westshore Council of Governments, and MetroHealth System for the provision of professional tactical medical control services.

WHEREAS, the Westshore Council of Governments, of which the City is a member, is in need of services of certain licensed professionals to provide services in and relating to the fields of trauma, critical care, and emergency medicine and related medical services; and

WHEREAS, MetroHealth Systems, as a level 1 trauma and burn center, is capable and willing to provide these services; and

WHEREAS, Chapter 140 of the Ohio Revised Code authorizes MetroHealth Systems and the Westshore Council of Governments to enter into certain agreements for a public purpose; and

WHEREAS, this agreement serves the public purposes of promoting state and federal policies for enhancing the availability, efficiency, and economy of tactical emergency medical services to municipalities; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; and

WHEREAS, this Council by a vote of at least five of its members determines that this resolution is an emergency measure, and that this resolution shall take effect at the earliest date possible as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary to provide for the usual daily operation of municipal departments in that these services should be made available to member municipalities immediately; now, therefore:

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. The City of Lakewood is authorized as member of the Westshore Council of Governments to operate under an agreement, in a form similar to that attached as Exhibit A, with MetroHealth Systems for the provision of professional tactical medical control services.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council,

and that all such deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements.

Section 3. This resolution is hereby declared to be an emergency measure necessary for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

President of Council

Clerk of Council

Approved: _____

Mayor

AGREEMENT FOR THE SERVICES OF LICENSED PROFESSIONALS

This Agreement is entered into on August 1, 2014, by and between the the Westshore Enforcement Bureau, a law enforcement unit of the Westshore Council of Governments, a regional council of governments organized under Chapter 167 of the Ohio Revised Code, and its member municipal corporations, ("Client"), and The MetroHealth System, a county hospital organized and operated under Chapter 339 of the Ohio Revised Code located at 2500 MetroHealth Drive, Cleveland, OH 44109 ("Provider").

WITNESSETH

WHEREAS, Client is desirous of retaining the services of certain licensed professionals from Provider described and listed in the attached Exhibit A (each a "Licensed Professional") to provide services in and relating to the fields of Trauma, Critical Care, and Emergency Medicine and related medical services; and

WHEREAS, Provider is willing and able to provide Client the services of the Licensed Professionals;

NOW, THEREFORE, in consideration of the foregoing statements and the mutual promises made in this Agreement and for other valuable consideration (the receipt and sufficiency of which are hereby acknowledged), Provider and Client (herein collectively called the "Parties") agree as follows:

Section I. Term.

This Agreement shall commence on August 1, 2014 ("Effective Date") and continue for a period of two (2) years thereafter ("Initial Term") for fees and costs set forth herein.

Thereafter, Client shall have the option of renewing the Agreement for additional terms of not less than one year each (each a "Renewal Term"), unless the Agreement is terminated as provided herein.

Section II. Authority, Construction, and Non-exclusivity.

- A. Chapter 140 of the Ohio Revised Code authorizes Provider and Client's member municipal corporations, as public hospital agencies, to enter into certain agreements for a public purpose.
- B. This agreement serves the public purposes of promoting state and federal policies for enhancing the availability, efficiency, and economy of tactical emergency medical services to municipalities.
- C. The attached Exhibit A ("Schedule of Licensed Professionals, Services, and Qualifications") is incorporated herein and shall be a part of this Agreement.

EXHIBIT A

- D. Nothing in this Agreement contemplates an exclusive arrangement.
- E. Provider, at its sole discretion, may direct a Licensed Professional to devote all or part of the Licensed Professional's committed time to Provider not subject to this Agreement to other Provider business. Provider will make its best efforts to minimize turnover.
- F. A Licensed Professional, at his or her sole discretion, may devote to any other pursuit any professional time not committed to Provider and not subject to this Agreement.
- G. Notwithstanding anything to the contrary in this Agreement, Provider will only provide a Licensed Professional under this Agreement when Provider's resources permit doing so.

Section III. Provider's Responsibilities With Regards to Each Licensed Professional.

- A. Provider agrees to make available the services of each Licensed Professional described in Exhibit A. Client has the right to review credentials of assigned individuals at their discretion.
- B. Provider shall take all steps necessary and sufficient for the Licensed Professional to be bound by the terms and conditions of this Agreement.
- C. If a Licensed Professional becomes unavailable for any period of time commitment stated in Exhibit A, then Provider shall provide a suitable substitute, subject to Client's review rights under subsection A above, subject to paragraph F of section II above.
- D. Provider shall cause Licensed Professional to render and provide services under this Agreement in a competent, efficient and satisfactory manner, in accordance with generally accepted standards applicable to the Licensed Professional's profession, and in accordance with all Client's policies, procedures and bylaws.
- E. Provider agrees to respect and abide by all Federal, State and local laws, rules, and regulations, including those pertaining to confidentiality and disclosure with regard to all information and records obtained or reviewed in the course of providing services to Client and/or its patients, and cause Licensed Professional to do the same.

Section IV. Client's Responsibilities With Regards to Each Licensed Professional.

- A. Client shall compensate Provider for the services of the Licensed Professional if and as provided in Section V of this Agreement.
- B. Client shall cooperate with Licensed Professional in the pursuit of Licensed Professional's responsibilities and help with the administrative functions involved in Licensed Professional's responsibilities.
- C. Client agrees to respect and abide by all Federal, State and local laws, rules, and not cause Licensed Professional to act in any violation of the same.

- D. Client shall be responsible for all internal credentialing and privileging necessary and applicable to the Licensed Professional's practice on Client's premises.
- E. Provider shall be responsible for all billing to health insurance or other reimbursement sources as appropriate for the health care services rendered by the Licensed Professionals to Client's patients.

Section V. Fees; Payment Terms.

Client is not obligated to pay Provider any fees for the services under this Agreement.

Section VI. Certifications, Representations, Warranties.

- A. Provider represents and warrants that:
 - (1) Each Licensed Professional is qualified and carries all required and applicable state and Federal licenses to practice;
 - (2) Each Licensed Professional's license to practice has never been suspended or revoked, and Licensed Professional has not received any other sanctions from any licensing board, specialty board, or applicable state or local professional society; has not been denied membership or re-appointment to any applicable professional staff, and Licensed Professionals applicable practice privileges have never been suspended, curtailed, or revoked.
- B. Each party certifies and warrants, to the best of the party's knowledge, the following with regards to itself, its employees, and its agents (each an "Individual"):
 - (1) No Individual is barred from participation in any state or federally funded programs or on any list of such barred individuals, including but not limited to:
 - (a) The list of excluded individuals and entities maintained by the Office of Inspector General for the United States Department of Health and Human Services ("Excluded List"); and
 - (b) The System of Award Management ("SAM") maintained by the Federal government.

At least once annually, each party shall screen employees against the Excluded List and the SAM.

- (2) No Individual is on any state or federal anti-terror or other exclusion lists or involved in any related investigations;

- (3) No Individual has any undisclosed interest in the Agreement that would constitute a conflict of interest or other violation of Ohio or federal ethics laws and rules; and,
 - (4) No Individual has any criminal background or record that would bar the Individual from performing the Individual's obligations under the Agreement.
- C. Each party recognizes that the other party incurs significant costs in recruiting and training its professionals, including Licensed Professionals, and will suffer a considerable economic loss if the party directly recruits a professional. Therefore, if either party or an affiliate (each a "Recruiting Party") directly recruits and engages any professional during any active term of this Agreement or within one (1) calendar year thereafter, then at the discretion of the other party, the Recruiting Party agrees to pay to the other party a recruiting fee in the amount of forty per cent (40%) of such professional's then annual base salary, not including fringe, incentive and other benefits, to defray the other party's costs of recruiting a replacement for such professional.
- D. The terms contained in attached Exhibit B ("Mutual Confidentiality and Non-Disclosure Terms") are incorporated herein and shall be a part of this Agreement, and shall survive any termination of this Agreement by three (3) calendar years.

Section VII. Insurance and Indemnification.

- A. Each party shall obtain and maintain at all times, either commercially or through a program of self-insurance, and, if requested, provide the other party with written evidence of:
- (1) General and professional ("G&P") liability insurance with limits of One Million Dollars (\$1,000,000) per occurrence and Three Million Dollars (\$3,000,000) in the aggregate, to include both clinical and administrative functions;
 - (2) If applicable, Director's and Officer's ("D&O") liability insurance at levels that are usual and customary for entities similar to Client.
- B. Each party shall be liable for its own acts, errors and omissions, and those of its officers, directors, employees and agents. Notwithstanding the foregoing, nothing in the Agreement shall be construed as limiting either party's ability to assert any defense to any claim arising out of its acts, errors, or omissions, based on immunity, state or federal constitutions and statutes, or any other legal theory.

Section VIII. Termination.

- A. During any active term, either party may terminate the Agreement, without cause, by giving the other party at least sixty (60) days prior written notice, provided that such notice may be withdrawn at any time before the effective date of such termination.

- B. Either party may terminate the Agreement in the event of any breach or material default by the other party, by giving the other party thirty (30) days prior written notice of its intention to terminate.
- C. Notwithstanding the foregoing, or any other provision herein to the contrary, either party may at its discretion either immediately suspend all pending and future obligations under this Agreement, or in the alternative, immediately terminate this Agreement, upon the occurrence of any of the following:
 - (1) The other party's breach of its representations and warranties under Section VI above;
 - (2) The other party's failure of to maintain and/or provide insurance required under Section VII above;
 - (3) The insolvency or bankruptcy of either party, or cessation of operations or assignment of assets for the benefit of creditors by either party; or
 - (2) If the party determines that continuation of this Agreement will either endanger or be detrimental to the operation of the party or the well-being of the party's patients.
- E. Upon any termination of this Agreement, the parties shall not enter into the same agreement again prior to the expiration of one (1) full year starting from effective date of the active term during which such termination occurs. This provision shall survive any termination of the Agreement.

Section IX. Relationship of the Parties.

- A. The relationship between Provider and Client shall be that of independent contractors.
- B. Neither Party shall have any duty or obligation to:
 - (1) Withhold and/or pay any federal, state or local taxes or Workers' or Unemployment Compensation Contributions or to comply with any other employment laws regarding the other Party's employees; or
 - (2) Provide employee fringe or other benefits to the other Party's employees or agents.
- C. Each Party shall satisfy all duties or obligations under federal, state or local law applicable to its relationship with its own employees.
- D. Each Party shall be solely responsible for the control and supervision of its own employees and the payment to or on behalf of them of all distributions, wages and salaries, taxes, withholding payments, penalties, fees, professional education and seminar

expenses, professional liability insurance premiums, contributions to insurance and pension or other deferred compensation plans (including, but not limited to, workers' compensation and social security contributions, licensing and registration fees), additional benefits of any type, and the filing of all necessary documents, forms and returns pertinent to all of the foregoing.

- E. Neither Party shall make any claim that the other Party is responsible for the payment or filing of any of the foregoing payments, withholdings, contributions, taxes, documents and returns, including but not limited to, Social Security contributions and employer income tax withholding obligations.
- F. Each Licensed Professional is, and at all times during any active term of this Agreement shall remain an employee of Provider. However, and notwithstanding anything else to the contrary in this section, during, and for the purposes of, the services provided by the Licensed Professional to Client and its patients within the scope of this agreement, Client may exercise such control over each Licensed Professional as is either required by law, or is usual, customary, and incidental to any credentials or privileges granted by Client to the Licensed Professional.
- G. If the services under this Agreement so require, then Provider agrees to execute Client's Business Associate Agreement as that term is defined and used in both the Health Insurance Portability and Accountability Act of 1996 and rules promulgated thereunder (as amended from time to time, "HIPAA") and the American Recovery and Reinvestment Act of 2009 and rules promulgated thereunder (as amended from time to time, "ARRA").

Section X. Controlling Laws; Severability of Provisions; Jurisdiction; Dispute Resolution.

- A. This Agreement is signed, executed and consummated in the State of Ohio, and Ohio's laws shall govern all disputes, controversies, and litigation arising hereunder. Provider and Client hereby agree that proper venue for all disputes, controversies and litigation arising under this Agreement lies exclusively with the Courts of Ohio. For all disputes, controversies and litigation arising under this Agreement, Provider and Client hereby (jointly and individually) submit to the personal jurisdiction of the Ohio Courts.
- B. If any provision herein is subsequently determined to be illegal or otherwise unenforceable, all other provisions hereof shall remain in full force and effect and fully enforceable notwithstanding such determination of partial illegality or unenforceability.
- C. If there is a dispute arising out of the Agreement, the Parties:
 - (1) Shall attempt in good faith to amicably resolve such dispute;
 - (2) Agree to mediation as further defined; and,

(3) If an amicable resolution is not reached with 60 days, and subject to subsection D below of this section, may pursue any and all remedies available at law and equity.

D. Proper venue for all unresolved disputes, controversies and litigation arising under the Agreement shall be exclusively with the Courts of Ohio and each hereby agree to submit to the personal jurisdiction of the Ohio Courts.

Section XI. Notice.

Notice shall be deemed to have been given when delivered or upon receipt when mailed by Certified Mail, Return Receipt Requested to the applicable Party at the address(es) shown below:

To Provider:

The MetroHealth System
Infection Control
2500 MetroHealth Drive
Cleveland, OH 44109

With Copy to:

The MetroHealth System
General Counsel
2500 MetroHealth Drive
Cleveland, OH 44109

To Client:

Westshore Enforcement Bureau
Attn. Patrick Fiorilli, Unit Commander
Lakewood Police Department
12650 Detroit Avenue
Lakewood, Ohio 44107

Section XII. Non-Discrimination.

The Parties agree that they shall not engage in any discriminatory practices prohibited by state or Federal law.

Section XIII. Miscellaneous.

A. This Agreement constitutes the entire agreement between the Parties regarding the subject matter hereof and all prior written or oral negotiations, representations, arrangements and/or agreements regarding the subject matter hereof are merged into and superseded by this Agreement. The Parties acknowledge that there are no verbal or other

written understandings, arrangements and/or agreements between the Parties relating to the subject matter of this Agreement.

- B. Notwithstanding anything in this Agreement, the parties shall not materially amend this Agreement during the Initial Term, except for correction of any errors in the document. Thereafter this Agreement may be amended, altered or changed only through a written document, clearly designated as an amendment to this specific Agreement signed by the parties, and provided that any such amendment shall not occur prior to the expiration of one (1) full calendar year after any prior amendment.
- C. The parties agree and assert that this Agreement and the services and fees stated herein were negotiated at arms length, and are intended to reflect the fair market value for the services. Nothing in this agreement is intended, and nor shall it be construed, to create, cause or induce any referrals of patients by one party to the other.
- D. No waiver by Provider or Client and no refusal or neglect of Provider or Client to exercise any right hereunder or to enforce compliance with the terms of this Agreement shall constitute a waiver of any provision herein with respect to any violations, actions or omissions hereunder, unless such waiver is expressed in writing by the waiving Party.
- E. If services provided under this Agreement have an aggregate value or cost of Ten Thousand Dollars (\$10,000) or more over a 12-month period, each party shall, until the expiration of four years after the furnishing of such services, make available upon written request by the Secretary of Health and Human Services or upon the written request of the Comptroller General of the United States, or by any of their duly authorized representatives, this Agreement, the books, documents, and records of the party that are necessary to verify the nature and extent of the cost of the services provided under this Agreement.
- F. Neither party may assign or transfer this Agreement, or any part hereof, without the other party's prior written consent, which shall not be arbitrarily withheld. Nothing in this Agreement contemplates the creation of any third party beneficiaries of or to this Agreement.

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IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

The MetroHealth System

Westshore Enforcement Bureau,
a law enforcement unit of the Westshore
Council of Governments

By: Edward Hills, DDS

By:

Title: Chief Operating Officer

Title:

Date:

Date:

Approved as to Form
The MetroHealth System
Office of General Counsel

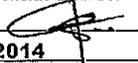
By: 
Date: 7/18/2014

EXHIBIT A
TO THE AGREEMENT FOR THE SERVICES OF LICENSED PROFESSIONALS
SCHEDULE OF LICENSED PROFESSIONALS, SERVICES, QUALIFICATIONS AND FEES

Description of Services to be Provided	Training, Licensure, Certification, and Other Requirements	Name of Licensed Professional	Time Commitment	Fees
Tactical Emergency Medical Service ("TEMS") Provider	M.D., Licensed in Ohio, Experienced in Tactical Emergency Medicine.	Craig Bates, M.D.	As needed	None

A. SCOPE OF PRACTICE

- 1) The function of the TEMS provider is to provide medical support for law enforcement, other TEMS providers, and civilians within the confines of a tactical operation.
- 2) The determination of a tactical environment for which TEMS support is deemed necessary will be determined by the law enforcement agency overseeing the tactical operation. This agency will be responsible for defining "hot", "warm", and "cold" zones as is relevant to provider safety and the care of patients.
- 3) The function of TEMS Medical Director is to provide medical oversight, continuing medical education, and quality assurance measures to TEMS providers.
- 4) The TEMS Medical Director may appoint other physicians to assist in the medical oversight, continuing medical education, and quality assurance measures of TEMS providers.
- 5) TEMS Directors will establish a working relationship with area EMS providers to facilitate transfer of care of patients out of the tactical environment.

B. REQUIREMENTS OF TEMS PERSONNEL

- 1) The TEMS provider shall carry the minimum licensing/certification in the state of Ohio appropriate to his level of training as an EMS provider and is responsible for keeping such licensing/certification current.
- 2) The TEMS provider is responsible for the content of the approved non-TEMS standard EMS protocol adopted by the TEMS Medical Director and relevant EMS Medical Director as outlined in D.1. below.
- 3) The TEMS provider shall have successfully completed a nationally recognized / accredited training course in tactical emergency medicine as approved by the TEMS Medical Director and the relevant law enforcement agencies.
- 4) The TEMS provider shall complete any additional training mandated by the TEMS Medical Director or relevant law enforcement agencies.

5) The TEMS provider shall document every patient encounter in accordance with the pre-approved method of documentation. Documentation may be reviewed by the TEMS Medical Director for Quality Assurance purposes.

6) The TEMS provider will participate in Quality Assurance exercises pertaining to training or live operations.

7) In a confidential manner, the TEMS providers will familiarize themselves with the medical history and health status of the individual law enforcement officers with whom they work.

8) Aside from tending to acute injury or illness, the TEMS provider will monitor the physical and psychological well-being of each other and law enforcement officers during prolonged deployments. Environmental factors, sleep deprivation, hydration, and nutrition are to be closely monitored.

9) If circumstances permit, the TEMS providers shall check the operational field for any health or safety hazards that may jeopardize the safety of themselves, law enforcement, or civilians.

D. RESPONSIBILITIES OF THE TEMS MEDICAL DIRECTOR

1) The TEMS Medical Director and his appointees shall carry an unrestricted Ohio medical license and have experience in on-line EMS medical direction.

2) TEMS physicians will be available for "real time" medical oversight by phone for every operation. On-site medical command in the "cold zone" as determined by law enforcement on scene may be employed if the TEMS physician deems it appropriate and it is approved by the law enforcement officer in charge.

3) TEMS physicians will organize and participate in the continuing medical education of TEMS providers. This may include, but is not limited to, didactic sessions, field training, and medical simulation.

4) The TEMS Medical Director will approve the medical competency of each TEMS Director prior to initiation of active duty.

5) The TEMS Medical Director will assess the competency and proficiency of TEMS providers on a continuous basis.

6) For Quality Assurance, the TEMS Medical Director may review any deployment of TEMS providers. The application of TEMS protocols, the medical care provided, and any concerns with regard to patient or provider safety will be reviewed for every case.

7) For Quality Assurance, the TEMS Medical Director may keep a database of TEMS activity and any relevant medical data therein.

8) Any TEMS provider or law enforcement officer suspected of being unfit for duty or incapable of performing to the degree necessary to achieve the goals of the tactical operation due to injury, illness, potential for medication side effect, or mental state may be immediately relieved of duty at the discretion of the TEMS Medical Director or his appointee in close collaboration with the law enforcement officer in charge.

9) The TEMS Medical Director reserves the right to evaluate the status of any TEMS provider based on competency, safety issues, adherence to protocol, or any other reason he deems appropriate. The TEMS Medical Director reserves the right to suspend any TEMS provider from his oversight pending an investigation of the relevant circumstances. Such action will be taken in close collaboration with the relevant law enforcement agencies.

E. REQUIREMENTS OF THE SPONSORING LAW ENFORCEMENT AGENCIES

- 1) The sponsoring law enforcement agencies shall be responsible for conducting background investigations on TEMS providers.
- 2) The sponsoring law enforcement agencies are responsible for providing all tactical training, education, and oversight to TEMS providers and defining the role of those providers for tactical operations.
- 3) The sponsoring law enforcement agencies shall be responsible for providing any and all relevant tactical and personal protective equipment to TEMS providers, as well as training in the use of such equipment.
- 4) The sponsoring law enforcement agencies shall be responsible for providing written documentation to providers and the TEMS Medical Director detailing provision and application of liability insurance coverage and related liability issues for TEMS physicians and providers. TEMS Medical Direction and implementation of protocols will commence after provision of liability insurance coverage and related issues are reviewed and agreed upon by Provider, the TEMS Medical Director, and the law enforcement agencies involved.
- 5) If the law enforcement officer in charge of a tactical operation feels that the objectives of a tactical operation and the safety of those involved supercede the medical concern of the TEMS Medical Director or his appointee or the involved TEMS providers, the commanding law enforcement officer becomes responsible for the care and movement of casualties within the tactical environment.

F. PROTOCOLS

- 1) The TEMS protocols serve as supplement to the standard EMS protocols reviewed and adopted by the TEMS Medical Director and providers in concert with any other EMS Medical Directors as appropriate.
 - Tactical medics for the Client will utilize the protocols of either Client's local EMS or, if none, then those of Cleveland EMS.
- 2) TEMS providers may execute the administration of any drug or performance of any procedure in the protocols only after the appropriate training and only under the medical direction of the TEMS Medical Director.
- 3) In the absence of TEMS medical direction, TEMS providers will default to the use of the standard EMS protocol previously adopted.
- 4) The TEMS protocols are for use only by TEMS providers sponsored by or working in concert with the law enforcement agency with which they have an established relationship.
- 5) Once a patient is removed from the area of tactical operations as determined by law enforcement, the TEMS protocols and procedures will cease to apply unless continued application of such protocols and procedures is deemed appropriate by the TEMS Medical Director or his appointee. TEMS protocols and procedures will also cease to apply if care is transferred to another EMS agency. If the specialized skill of a TEMS provider is deemed medically necessary outside the area of tactical operations in route to an institution of definitive care, the TEMS Director or another TEMS provider may accompany the patient and the TEMS protocols and procedures will continue to apply provided that the TEMS Medical Director or his appointee documents such medical necessity in a manner consistent with the Providers

documentation standards. The Medical Director of the transporting agency will be contacted if deemed necessary by the TEMS Medical Director or his appointee. If any conflict should arise between TEMS protocols and procedures and the protocols and procedures of the transporting EMS agency while a TEMS provider accompanies the patient in route to the institution of definitive care, the TEMS Medical Director or his appointee should be contacted. If the TEMS Medical Director cannot be contacted in a timely fashion, the local medical command for the transporting agency should be contacted.

6) The TEMS providers are not responsible for the medical care of persons outside the field of tactical operations.

7) TEMS providers will know the indications and contraindications for all of the medications on the adjunct formulary. They may choose to electively medicate any consenting individual or themselves provided the medication has "operational" status. Any medication with "non-operational" status will be administered only after consultation with the TEMS Medical Director.

EXHIBIT B
TO THE AGREEMENT FOR THE SERVICES OF LICENSED PROFESSIONALS

MUTUAL CONFIDENTIALITY AND NON-DISCLOSURE TERMS

1. **Confidential Information.** As used in this Exhibit, "Confidential Information" means any information disclosed, either orally or in writing, by one party to the other party, unless the disclosing party indicates otherwise.
2. **Exclusions.** Confidential Information does not, however, include information that the receiving party can demonstrate:
 - (a) Is now, or hereafter becomes, through no act or failure to act on the part of the receiving party, generally known or available to the public;
 - (b) Was known by the receiving party before receiving such information from the disclosing party;
 - (c) Is hereafter rightfully obtained by the receiving party from a third party, without breach of any obligation to the disclosing party; or
 - (d) Is independently developed by the receiving party without use of or reference to the Confidential Information by persons who had no access to the Confidential Information.
3. **Obligations.** Each party agrees:
 - (a) To hold the other party's Confidential Information in strict confidence;
 - (b) Not to disclose such Confidential Information to any third party except as specifically authorized herein or as specifically authorized by the other party in writing;
 - (c) To use all reasonable precautions, consistent with such party's treatment of its own Confidential Information of a similar nature, to prevent the unauthorized disclosure of the other party's Confidential Information; and
 - (d) Not to use any Confidential Information for any purpose other than the Business Purpose.
4. **Permitted Disclosures.** Each party may disclose the other party's Confidential Information to its responsible employees and professional advisers with a bona fide need to know such Confidential Information, but only to the extent necessary to carry out the business Purpose and only if such employees are advised of the confidential nature of such Confidential Information and the terms of this Addendum and are bound by a

written agreement or by a legally enforceable code of professional responsibility to protect the confidentiality of such Confidential Information.

5. **Required Disclosures.** Each party may disclose the other party's Confidential Information if and to the extent that such disclosure is required by applicable law, provided that the receiving party uses reasonable efforts to limit the disclosure by means of a protective order or a request for confidential treatment and provides the disclosing party a reasonable opportunity to review the disclosure before it is made and to interpose its own objection to the disclosure.
6. **Copies and Abstracts.** To the extent necessary to carry out the Business Purpose, the receiving party may make copies or abstracts of the disclosing party's Confidential Information provided that all such copies and abstracts are themselves marked as confidential and provided that the receiving party maintains a written record of the distribution of all such copies and abstracts.
7. **Return of Confidential Information.** Upon the disclosing party's request, the receiving party will promptly return to the disclosing party all copies of the Confidential Information, will destroy all notes, abstracts, and other documents that contain Confidential Information, and will provide to the disclosing party a written certification of an officer of the receiving party that it has done so.
8. **No Implied Licenses.** Nothing in this Addendum will be construed as granting any rights to the receiving party, by license or otherwise, to any of the disclosing party's Confidential Information, except as specifically stated in this Addendum.
9. **Injunctive Relief.** Each party acknowledges that the unauthorized use or disclosure of the other party's Confidential Information would cause irreparable harm to the other party. Accordingly, each party agrees that the other party will have the right to obtain an immediate injunction against any breach or threatened breach of this Agreement, as well as the right to pursue any and all other rights and remedies available at law or in equity for such a breach.